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PARLIAMENTARY DEBATES

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(Part I- Questions and Answers)

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**PARLIAMENT SECRETARIAT
NEW DELHI**

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LOK SABHA

Thursday, the 13th December, 1956

The Lok Sabha met at Eleven
of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Association of Employees in
Management

+
Shri Bhagwat Jha Azad:
Shri Krishnacharya Joshi:
Shri Ram Krishan:
*1126. Shri Gidwani:
Shri Bibhuti Mishra:
Shri Sanganna:
Shri Kamath:

Will the Minister of Labour be
pleased to state:

(a) whether any Tripartite Delegation was sent abroad to study the working of schemes of workers' participation in management in various countries;

(b) if so, the countries they visited;
and

(c) the main recommendations of
the Delegation?

The Minister of Labour (Shri Khandubhai Desai): (a) and (b). A study group was recently sent to France, Belgium, United Kingdom, West Germany, Sweden and Yugoslavia to study workers' participation in management.

(c) The report of the group is expected shortly.

Shri Bhagwat Jha Azad : May I know whether there is any proposal under the consideration of Government to allow the employees to have a share in the management in any of the industries in India at present?

Shri Khandubhai Desai: That is exactly why this delegation has been sent to Europe to study the participation of workers in the management of the various industries in order to arrive at some decision in the matter.

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Shri Bhagwat Jha Azad: May I know whether it is a fact that any of our private enterprises have given any share for the employees in the management of the industry?

Shri Khandubhai Desai: Some private enterprise people have made this experiment, as for example, Tatas, and some other concerns.

Shri B. D. Pande: May I know how the labourers will be associated with the management? Will they be made Directors or taken in the Committee of Management? How is it going to be done?

Shri Khandubhai Desai: I hope the hon. Member would have seen the Planning Commission's Report. It has been recommended in that Report that the Council of Management would be set up to look into limited questions, to begin with, with regard to management.

Shri T. B. Vittal Rao: In this delegation that was sent abroad why was no representative of the All India Trade Union Congress taken, in view of the fact that the All India Trade Union Congress is, in the matter of membership, second in India?

Shri Khandubhai Desai: The All India Trade Union Congress representative was not sent deliberately, because at the first stage of discussion they showed no interest in the participation of workers in the management and they even went to the extent of saying that this is inimical to the working class interests. So the Government thought "What is the use of sending a representative of an organisation which has no interest in the participation of workers in the management and which is even positively hostile to it?"

Shri L. N. Mishra: In view of the fact that Government have accepted the principle of associating workers with management, may I know what are the special difficulties in the way of encouraging labourers to participate in the administration of industries that fall within the public sector?

Shri Khandubhai Desai: As far as the public sector is concerned, arrangements have already been made for inviting

workers' representatives on the Board of Directors.

Shri T. B. Vittal Rao: May I know whether these workers who are going to be associated will be at the Board of Directors' level or Council of Management level because the Planning Commission has recommended only for the Council of Management?

Shri Khandubhai Desai: As I have already stated, it is a Council of Management which is sought to be created in the first stage.

Shri Gidwani: Does this scheme also include full workers' control over industries in the scheme of the federation?

Mr. Speaker: Displacing the employers?

Shri Khandubhai Desai: I do not think that is the intention.

Shri Bhagwat Jha Azad: The hon. Minister has just said that the workers have already been given a share in the management in some industries. I am also connected with one of the Unions. May I know whether it is a fact that Directors, who are very rarely attending or coming once or twice a year to the management meeting, are not effective in having the control? Do Government propose to allow the workers to have a share in different other stages of management?

Shri Khandubhai Desai: That will be considered.

Mr. Speaker: A Committee has gone abroad and Government are expecting its report.

Indo-Burma Trade Agreement

*1127. **Shri Bahadur Singh:** Will the Minister of Commerce and Consumer Industries be pleased to state whether any suggestions have been made mutually by the Burma Government and Government of India for the development and extension of commerce and the diversification and balancing of trade between the two countries under the recent Indo-Burma Trade Agreement?

The Minister of Trade (Shri Karmarkar): Not yet, Sir. The Trade Agreement in question was only concluded on 5th September, 1956, and the developments in Indo-Burmese trade are being closely watched for the present.

Shri Matthen: May I know from the hon. Minister whether he has included the export of dried prawn also for which I have been shouting for the last few years?

Shri Karmarkar: I am grateful to the hon. Member for his constant interest in the matter of export of prawn, and I am happy to tell him that Burma will import a large quantity of prawn from India.

Delegation of Engineers to U.K.

*1128. **Shri Krishnacharya Joshi:** Will the Minister of Production be pleased to state:

(a) whether the recommendations made by a delegation of Indian engineers which went to U.K. this year have been accepted by Government; and

(b) if so, the recommendations implemented so far?

The Deputy Minister of Production (Shri Satish Chandra): (a) The hon. Member is presumably referring to the delegation sent to U.K. to visit the factories of Associated Electrical Industries. If so, its recommendations have been incorporated in the detailed Project Report submitted by the Consultants on the 17th November, 1956 and will be finally considered as an integral part of that Report.

(b) Does not arise.

Shri Krishnacharya Joshi: May I know what are the main recommendations made by this delegation?

Shri Satish Chandra: This delegation made a study of the various equipment manufactured by the factories of Associated Electrical Industries with a view to select suitable types to be manufactured in India. They also went into the financial and economic aspects of the proposed factory.

श्री रघुनाथ सिंह : इस डेलीगेशन में घनेक विषयों के इंजीनियर भेजे गये थे । क्या इसमें शिपिंग इंजीनियर भी कोई था या नहीं ?

श्री सतीश चन्द्र : इस वक्त तो बिजली के कारखाने की बात हो रही है ।

श्री रघुनाथ सिंह : इलेक्ट्रिसिटी का सम्बन्ध शिपिंग से भी है, इस वास्ते में ने यह सवाल पूछा है ।

सम्पन्न महोदय : हर एक विषय में शिपिंग को कैसे ले आ सकते हैं ।

Central Purchasing Agency

*1129. **Shri Barman**: Will the Minister of Works, Housing and Supply be pleased to state:

(a) the value of goods purchased through Central Purchasing Agency in 1955-56 both at home and abroad; and

(b) the value of goods purchased directly by Agencies which are entrusted with actual construction of projects such as D. V. C., Bhakra Nangal, Chittaranjan etc.?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Rs. 176.8 crores.

(b) The information is being collected from the concerned Ministries.

Shri Barman: May I know whether there obtains any rule by which these Programme Agencies can proceed to purchase direct without consulting the Central Agency?

Sardar Swaran Singh: Which is the Agency that the hon. Member is referring to?

Shri Barman: I mean the independent schemes like the D.V.C., Bhakra Nangal, Chittaranjan etc. I want to know whether they are to consult first the Central Purchasing Agency as to whether it will be able to arrange to supply their goods or not.

Sardar Swaran Singh: It is principally for these agencies to consider as to whether they want to make use of the Central Purchasing Organisation.

Immigrants from Daman

*1130. **Shri Gidwani**: Will the Prime Minister be pleased to state:

(a) whether the attention of Government has been drawn to news item published in the *Indian Express*, Bombay Edition, dated 28th September, 1956, that the Police sent some 75 fisher folk who had migrated into India from Daman, back to the Portuguese territory; and

(b) if so, what were the reasons for sending them back?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) and (b). Government have seen the news item in question. The facts are as follows:—

Over 170 fishermen from Daman entered Indian territory near Dahanu in September, 1956. They were not in

possession of permits to enter India and in accordance with the general policy of the Government not to permit illegal mass migrations from the Portuguese possessions in India, such of these fishermen as could be traced were returned to Daman.

Shri Gidwani: Is it a fact that they were unwilling to go there, and, if so, what were their reasons?

Shri Anil K. Chanda: It is quite likely. Otherwise they would not have come into our territory.

Development of Heavy Industry

*1131. **Shri Bansal**: Will the Minister of Heavy Industries be pleased to state:

(a) whether the respective spheres of the British and Russian experts in the development of heavy industry in the country have been demarcated;

(b) if so, what are the respective spheres allocated to them; and

(c) whether any project reports have been prepared by any of these teams of experts?

The Minister of Heavy Industries (Shri M. M. Shah): (a) and (b). It is expected that the Russian experts will make recommendations suited to the establishment of an integrated heavy machine building factory. The report of the British Mission is likely to be directed towards the development of capacity for heavy engineering as a whole. It is neither possible nor necessary to demarcate their spheres more precisely.

(c) Not yet, Sir.

Shri Bansal: May I invite the attention of the hon. Minister to a Press report in *The Times of India* of 3rd October stating that fields for these two teams respectively have been demarcated quite clearly, and, if so, what is the field of their respective activities?

Shri M. M. Shah: As I said, Sir, we have tried to demarcate the field, but it cannot be done precisely. There is bound to be a certain amount of overlapping. The Russian team is principally connected with recommending us on the heavy machine building factory of an integrated nature. The British team is likely to report on the development of heavy engineering industry as a whole.

Shri Bansal: May I know how many members were there in these two teams respectively, and what was the duration of their stay in this country?

Shri M. M. Shah : The Russian team was divided into two parts. The first team consisted of three members and the other team consisted of four members. They came here on 9th July, 1956, and most of the members are still in the country. They are still framing out the report and their recommendations. The British team consisted of 11 members. They came in October and left in November.

Offer of Assistance from East Germany

*1134. **Shri Sadhan Gupta :** Will the Minister of Commerce and Consumer Industries be pleased to state :

(a) whether Mr. Gerherd Weiss, Deputy Minister for Trade of the German Democratic Republic, has made a statement to the effect that the Government of the German Democratic Republic is ready to grant credit facilities to India and training facilities to Indian students; and

(b) if so, the steps, if any, taken to secure such facilities?

The Minister of Trade (Shri Karmarkar) : (a) Relevant extracts from the statement made by Mr. Weiss are placed on the Table of the House. [See Appendix IV, annexure No. 57].

(b) The suggestions made by Mr. Weiss are under consideration.

Shri Sadhan Gupta : Has any enquiry been made to ascertain what amount of credit would be available, and what kind of facilities would be available for training of Indian students?

Shri Karmarkar : With regard to credit we have no information in the matter in the sense that no offer was made about credit. Regarding the scholarships it has been tentatively decided by the Prime Minister that their offer of 30 scholarships should be accepted. The matter is now being processed by the Ministry of Education. We have also made it clear that we shall accept that facility only in such cases where the candidates that are chosen for training will come back and be employed in the units in which they were working.

Shri Sadhan Gupta : May I know on what subjects training is offered to Indian students?

Shri Karmarkar : They are offered training on technical subjects. The same matter is being considered in detail as to what are the available opportunities and how far we can avail of them.

Shri Kamath : At present, Sir, are there better facilities for training of Indian students in West Germany or in East Germany, and are there more Indian

students today in the universities of West Germany or of East Germany?

Shri Karmarkar : The facilities that have been made available by West Germany are quite appreciable, and our students are there taking training. This question of sending students to East Germany, as I said, depends on the extent to which we accept the offer, the subjects that are suitable and the candidates available for training.

Shri Kamath : My question was whether there are better facilities in East Germany or West Germany?

Shri Karmarkar : On the optical industry certainly there are better facilities in East Germany, but in such matters it is difficult to compare and contrast two countries.

Cash Overseers and Line Overseers

*1135. **Shri S. C. Samanta :** Will the Minister of Communications be pleased to state :

(a) the number of cash overseers and line overseers who are at present working under the Midnapur Divisional P. & T. Office in the West Bengal Circle;

(b) whether it is a fact that complaints are being received of late delivery of money orders to primary school teachers in the area;

(c) if so, what are the causes; and

(d) whether the number of cash overseers will be increased in near future to give some relief in the matter?

The Minister of Communications (Shri Raj Bahadur) : (a) 17 Cash Overseers and 12 Mail Overseers.

(b) A complaint was received regarding the late delivery of money orders to school primary teachers.

(c) and (d). A statement is laid on the Table of Lok Sabha. [See Appendix IV, annexure No. 58].

Shri S. C. Samanta : May I know whether any attempt has been made by the department to ask the District School Board to phase the remittances throughout the whole month?

Shri Raj Bahadur : I do not think any such attempt has so far been made. But that is a very useful suggestion and I will have it put through. I have myself got that in mind.

Shri S. C. Samanta : In the statement the hon. Minister has suggested three remedies. May I know whether conversion of some branch offices will be liberally considered, or it will only be according to rules

Shri Raj Bahadur : It will be considered according to rules, but we may take a special note of the special features that obtain in some cases. At the present moment six branch offices are being considered for being converted into sub-offices on administrative grounds.

श्री भक्त दर्शन : क्या गवर्नमेंट के ध्यान में यह बात आई है कि जब से ग्रामीण क्षेत्रों में डाकखाने बड़ी संख्या में खुल रहे हैं, मेल प्रोविसियंस का काम काफी बढ़ गया है और रुपया नहीं पहुंचता है जिससे कि मनीग्रार्डर बांटने में काफी देर हो रही है और क्या वह उनकी संख्या बढ़ाने के सम्बन्ध में विचार कर रही है ?

श्री राज बहादुर : जब से यह डाकखाने खुले हैं इसमें कोई शक नहीं कि काम बढ़ा है लेकिन इस काम बढ़ने के साथ साथ खास बात यह है कि हम जो रुपया भेजते हैं उसकी तादाद मुकर्रर है, एक रनर के साथ १ हजार रुपये से ज्यादा नहीं भेज सकते हैं और अगर ज्यादा भेजना होता है तो सुपरिन्टेंडेंट पुलिस का सर्टिफिकेट भेजना होता है कि उस पर्टिकुलर रूट पर उससे ज्यादा रुपया भेजा जा सकता है या नहीं। यह इन्तजामिया मामला तो इससे ताल्लुक रखता है।

Aircraft Spare Parts

***1136. Pandit D. N. Tiwary :** Will the Minister of Communications be pleased to state :

(a) whether it is a fact that in sending stocks of spare parts for aircrafts at ports where major repairs are not done, care is not taken to send only such parts which can be of use there but a large number of such parts are also despatched which are not required; and

(b) whether it is a fact that due to carelessness in sending parts, a large number and quantity of unnecessary parts have accumulated at Madras and other air-ports ?

The Minister of Legal Affairs and Civil Aviation (Shri Pataskar) : (a) No, Sir.

(b) No, Sir.

Pandit D. N. Tiwary : May I know whether the Government is aware of the fact that at airports such as Madras etc.

where major repairs are not done, spare parts are lying for the last two or three years without being used ?

Shri Pataskar : It is not true. As a matter of fact, the position is that there are some places where overhaul work is done. There are certain others where maintenance work is done. Hyderabad, Delhi and Calcutta are overhauling bases, while Srinagar, Karachi, Colombo, Kathmandu, Bangalore and Madras are maintenance stations, and only parts for that particular kind of work are kept there.

Cloth Production

***1137. Shrimati Tarkeshwari Sinha :** Will the Minister of Commerce and Consumer Industries be pleased to state :

(a) the increase in the production of cloth since September 1956; and

(b) how much cloth has been exported during the same period ?

The Minister of Consumer Industries (Shri Kanungo) : (a) and (b). A statement is laid on the Table of the House. [See Appendix IV, annexure No. 59].

Shrimati Tarkeshwari Sinha : In view of the fact that the Planning Commission has more or less decided to increase the target of the consumption of cloth, may I know what programme Government have in view to fulfil that target?

Shri Kanungo : I do not know of any decision of the Planning Commission. But the present programme is for the export of 1,000 million yards ultimately and we hope that that target will be achieved. As for internal consumption the present position is more or less satisfactory. But there is a likelihood of the demand growing and we are considering the further steps which we will require for increasing the production.

Shrimati Tarkeshwari Sinha : May I know whether Government have taken a definite decision on the programme of expansion of textile mills because that problem has been pending for such a long time?

Shri Kanungo : It is not pending in the sense that Government have taken a firm decision that a quantum of 1,700 million yards extra production will be achieved and steps in that direction have been taken. Out of the 1,700 million yards, 350 million yards will be for export, which will be in the mill sector, and 1,000 million yards will be in the handloom sector. The progress is more or less satisfactory.

Shrimati Tarkeshwari Sinha : Of the extra production that has taken place during all these months, may I know how much has been exported and how much

has been brought in internal consumption?

Shri Kanungo : The extra production has not taken place yet because the looms have not been set up. As regards the quantum exported the figures are given in the statement.

Shri A. M. Thomas : According to the last revision of targets there was a particular quota which was not allocated to any particular sector. May I enquire whether Government have taken any decision in regard to the allocation of that particular quota ?

Shri Kanungo : That is only a small quantity of 150 million yards.

Shri A. M. Thomas : I want to know whether any decision has been taken.

Shri Kanungo : Not yet, because we are watching the progress of the setting up of automatic looms for export purposes, the coming into production of spindles and the progress in the handlooms.

Shri Heda : One of the objects of the recent levy of excise duty was to curtail consumption by enhancing the prices. On the other hand the Planning Commission's desires are to encourage the purchase of cloth. How will the Government reconcile these two contrary views ?

Shri Kanungo : There is not much contradiction in the sense that in the overall plan period the tendency for consumption has got to be curbed, and one of the steps in that direction has been to enhance the excise duty. We have also got to take into consideration the increased demand for which we are considering what more steps should be taken. At present we have got plans for 1,700 million yards which are likely to come into production in a couple of years.

Shri L. N. Mishra : May I know whether it is a fact that of late the demand for our textile goods has been showing a downward tendency in some countries and if so, may I know the names of the countries where the demand has been going down ?

Shri Kanungo : I would like to have a specific question to give a specific reply. But, at the moment, the broad question is that we are facing keen competition from Japan in our export market.

Shrimati Tarkeshwari Sinha : In view of the fact that the Textile Enquiry Committee appointed by the U.P. Government to go into the question of rationalization of textile mills in Kanpur have submitted a report, and one of their

recommendations is the overall rationalization of the textile mills, may I know how far the Government is going to be influenced by that view of the Committee ?

Shri Kanungo : The recommendations of the Uttar Pradesh Government have not reached us yet. When they come, we will consider the question.

Ilmenite Sands

*1138. **Shri Velayudhan :** Will the Prime Minister be pleased to state :

(a) whether any contract for shipping ilmenite sand was given on the 10th October, 1956 after calling for tenders at Chavara in Kerala State ;

(b) how many persons or firms submitted their tenders for shipping the mineral sand from the shore ;

(c) whether anybody other than the tendering parties was given the contract through direct negotiation ; and

(d) if so, the reasons therefor ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) Yes.

(b) Six persons.

(c) Yes, Messrs. Harrisons and Crosfield Ltd., Quilon.

(d) As none of the persons who had submitted tenders for shipping the mineral sand had the experience, resources and organisation necessary for executing the work with maximum efficiency, the contract for shipping as well as bagging work was given by direct negotiations to Messrs. Harrisons and Crosfield Ltd., who have an adequate organization for the purpose.

Shri Velayudhan : May I know whether the Harrisons and Crosfield Company was not in the picture when the first tender was called for, and when the applications were submitted ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : I do not know.

Shri Velayudhan : May I know whether the Harrisons and Crosfield Company was given the tender through negotiations after calling for tenders and then rejecting them, in the initial stages ?

Shri Jawaharlal Nehru : In this matter, more than any other, a certain high degree of efficiency and urgency are necessary for atomic energy work. I should like to state frankly to the House that we rely very largely on the atomic energy advisers in this matter. They are very highly technical matters and none of us are really in a position to judge of these things.

Unless we rely upon their advice, the work may suffer.

Shri Velayudhan : The hon. Prime Minister said that this is about atomic energy. But this question relates to shipping the ilmenite sands which work was being done by the people in the Kerala State, near Quilon, for the last ten or more years. May I know whether this company, Messrs. Harrisons and Crosfield, Ltd.—had given it again for the sub-tenderers from the original tenderers, by taking a percentage of the profit there ?

Shri Jawaharlal Nehru : We have received numerous complaints from foreign buyers—these various organisations and companies, I would not mention them—who have been dealing with this thing in the past. It was because of these numerous complaints that our business was suffering and we could not sell it. Foreign buyers complained of it and ships were delayed. The complaints were that the ships were delayed, ilmenite was detained at Calcutta port, that there were unnecessarily long periods of delay owing to lack of experience of the contractors, etc. I have got quite a long list. Because of these, we should make the business more efficient.

Shri Velayudhan : May I know the conditions stipulated for the new negotiating company now ? The conditions, I think, are more favourable and they were not so in the original tenders submitted by the contractors first.

Shri Sadath Ali Khan : The Government appointed Messrs. Harrisons and Crosfield. They are the nominees with powers to execute the work at Rs. 8 per ton, packing, loading and stream-loading. I think that is what the hon. Member wants to know.

Shri V. P. Nayar : I would like to know whether the Government have any idea of the profits which will accrue to this company from shipping this commodity, and also whether it is not a fact that this company is a company incorporated in England with absolutely no Indian capital.

Shri Sadath Ali Khan : We only know that the Government will not incur any loss.

State Awards

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*114L. { **Shri S. C. Samanta :**
 Shri Gadilingana Gowd :

Will the Minister of Information and Broadcasting be pleased to state the total expenditure incurred on the recent annual competition for State Awards in Printing and Designing ?

The Minister of Information and Broadcasting (Dr. Keskar) : The Awards were given on the 6th November 1956

and details of expenditure including payments to be made have not yet been finalised. It is, however, estimated that the expenditure may be about Rs. 11,000.

Shri S. C. Samanta : May I know the number of entries and the variety of entries that were received ?

Dr. Keskar : This year, the entries were over 5,000. About the variety of entries, the list is a very long one. There are about 18 different types of entries. I think it will take too much time to read them out.

Mr. Speaker : He need not read them.

Shri S. C. Samanta : May I know whether these entries will be publicly exhibited and, if so, when and where ?

Dr. Keskar : Not all those entries could be exhibited because that would take too much space. But the best among them—it is quite a large number—were exhibited here at an exhibition that was organised in the Industries Exhibition area grounds and they were visited by a very large number of people.

Shri S. C. Samanta : May I know whether the leather-bound books have also been presented with awards ?

Dr. Keskar : Yes, Sir.

Titanium Dioxide

*1142. **Shri V. P. Nayar :** Will the Minister of Commerce and Consumer Industries be pleased to state :

(a) the names of the countries to which Government expect to export titanium dioxide, according to the target now fixed, viz., 1,000 to 1,200 tons; and

(b) the cost of production of titanium dioxide in U.K. as compared to that in the Trivandrum factory ?

The Minister of Consumer Industries (Shri Kanungo) : (a) It is expected that exports will be made mostly to the United Kingdom.

(b) The cost of production of titanium dioxide in U.K. is not known. It is not desirable to disclose the estimated cost of production in the only factory, that is in Trivandrum factory.

Shri V. P. Nayar : May I know whether it is not a fact that the information, namely, that the cost of production of titanium dioxide in the United Kingdom is far less than what it is in India today. It is the reason why the import duty on the import of titanium dioxide was raised?

Shri Kanungo : The duties are raised on the principle of what the traffic can bear.

Shri V. P. Nayar : I want also to know what will be the employment potential—I mean the direct employment—when this factory goes into full production according to the target laid down in the second Five Year Plan?

Shri Kanungo : I have not got that information.

Shri Kamath : Is it a fact that the sole selling agency for titanium dioxide has been given to a firm known as Messrs. T. T. Krishnamachari & Co. Ltd., and, if so, on what terms and conditions?

Shri Kanungo : As far as my information goes, the sole selling agency has not been given. Regarding the other points, if there is a specific question, I will submit a reply.

Shri Matthen : The whole thing, as it stands now, is managed by the factory in Trivandrum, and the product is exported to the British Titanium factory. Has the hon. Minister taken that fact into consideration? There are two interested parties selling their products manufactured elsewhere.

Shri Kanungo : That is not exactly the full picture. But the point is that we are encouraging the utilisation of the product in our own country, mostly in the paint industry, and if the prices are attractive, export is expected to go up to a thousand tons.

Shri V. P. Nayar : The hon. Minister, while replying to the supplementary question of Shri Kamath, said that no sole selling agents have been appointed so far. May I know whether any selling agents have been appointed and, if so, whether those selling agents will handle the export also?

Shri Kanungo : No; not for export, as far as I know. But, if a specific question is put, I will give the detailed answers.

Export of Hides, Skins and Tobacco

*1143. **Shri S. V. L. Narasimham :** Will the Minister of Commerce and Consumer Industries be pleased to state :

(a) whether the State Trading Corporation of India have entered into agreement with U.S.S.R. to supply hides, skins and tobacco;

(b) how the scheme is to be implemented; and

(c) whether there is any establishment for buying these commodities in the country for export abroad?

The Minister of Trade (Shri Karmarkar) : (a) No, Sir. Negotiations are going on.

(b) and (c). Do not arise.

Shri S. V. L. Narasimham : May I know whether the attention of the hon. Minister was drawn to a news item published in the *Hindu*, *Andhra Prabha* and *Andhra Patrika* dated 6th December, to the effect that the Chairman of the State Trading Corporation has made an announcement that an agreement has been concluded for the supply of 2,000 tons of Guntur Virginia tobacco to Russia?

Shri Karmarkar : I said negotiations were going on. They are under consideration. Though it is a fact that formal acceptance for the supply of about 2,000 tons of tobacco of three different grades to Russia has been received—it has only just been received—no contract has yet been made, and therefore, I said that the matter is under consideration.

Shri S. V. L. Narasimham : May I know whether the agreement is in relation to the 1956 crop or the 1957 crop?

Shri Karmarkar : So far as I can see from my notes, the contract would be for the quantity that would just be released and would become immediately available. I am not sure of the particular crop.

Shrimati Tarkeshwari Sinha : Arising out of the answer to part (c) of the question, what method would the Government adopt in purchasing through the State Trading Corporation the indigenous production of tobacco and hides from the small producers?

Shri Karmarkar : We go to the market for buying. So far as the disposal is concerned, we try to utilise so far as it is possible the existing agencies. For instance, tobacco will be disposed of by the Tobacco Council.

राजमता कमलेश्वरी शाह : मैं जानना चाहती हूँ कि जो चमड़ा हम निर्यात करते हैं वह किन किन देशों को करते हैं और अपनी जरूरतें पूरी कर लेने के बाद क्या हमारे पास चमड़ा बच रहता है?

श्री कर्मकर : यह जो सवाल है वह यू० एस० एस० आर० को कुछ चीजें निर्यात किये जाने के बारे में है जिन में चमड़ा भी एक है।

Shri C. R. Chowdhary: In case any agreement is entered into with the U.S.S.R. for the supply of tobacco, may I know whether the State Trading Corporation will enter the market and purchase for itself or whether an establishment will be created for this purpose and the Corporation in its turn will become a middleman and allot quotas through somebody also?

The Minister of Heavy Industries and Commerce and Consumer Industries (Shri Morarji Desai): The State Trading Corporation will follow a method which is most profitable.

A. I. R.

*1144. **Shri A. K. Gopalan:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the total number of *ad hoc* class I and class II appointments made in the All India Radio for the last three years, year-wise; and

(b) the reasons for those *ad hoc* appointments?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). A statement is laid on the Table of the House. [See Appendix IV, annexure No 60].

Shri A. K. Gopalan: How many temporary appointments have been approved by the U.P.S.C. and how many have been rejected?

Dr. Keskar: It will be difficult for me to give the exact number as to how many were rejected. As far as the two main categories are concerned, I am not conscious of those who were appointed for posts in the External Services. In the other two categories, the temporary posts also were filled up in consultation with the U.P.S.C.

Shri A. K. Gopalan: May I know whether the political connection of those who are selected count in the matter of appointments?

Dr. Keskar: All these appointments have ultimately to be approved or disapproved by the U.P.S.C. If there is any such thing, the U.P.S.C. is bound to reject that candidate. As far as the selectors are concerned, they do not take this into consideration.

Shri Velayudhan: Is it the practice that *ad hoc* appointments are made first in order to regularise them in the permanent service? Is it with that motive that these appointments are being made?

Dr. Keskar: The motives are best known to the hon. Member. The appointments are made generally when a service has to be kept on working and it is not possible to wait till the appointment is made by

U.P.S.C. The situation is exceptional here. The U.P.S.C. is overloaded with work and sometimes appointments are made only after six months or one year.

Shri Kamath: The statement shows that two Class I appointments have been made in the foreign language units of the A.I.R. because of paucity of talent in this country. Am I to understand that we Indians, who are linguists, could not provide the necessary talent for this purpose and the persons had to be chosen through Indian Missions abroad, that is to say, they are foreigners?

Dr. Keskar: Yes, Sir. There are a number of foreigners in the foreign language units of the A.I.R. Though my friend may be right in saying that India is a land of linguists, the competence and the standard in a particular foreign language that is required is such that the person must know that language very well. Otherwise, he is not of much use to the foreign language unit.

Shri Kamath: Is it a fact that a special officer has been appointed *ad hoc* to comment on parliamentary proceedings, and that too only for five minutes every night during parliamentary sessions only and he is being paid as high salary as Rs. 1,200 or so per month?

Dr. Keskar: There is no such post as special officer. All India Radio has a special correspondent. As for his pay, etc., I will require notice.

Shri V. P. Nayar: I want to know whether Government have recently made a number of appointments of Programme Directors attached to each of the radio stations, and if so, what was the basis of making these appointments? Were they also made in consultation with the U.P.S.C.?

Dr. Keskar: All India Radio has a large number of posts known as production posts. These posts are not filled up in consultation with the U.P.S.C. We have an agreement that as far as production posts are concerned, they can be filled up by the All India Radio itself?

भारतीय समाचार, आदि का प्रकाशन

*११४५. श्री भक्त बर्शन : क्या सचना और प्रसारण मंत्री १ सितम्बर, १९५५ के तारकित प्रश्न संख्या १३१० के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि "भारतीय समाचार" और "इंडियन इनफार्मेशन" के प्रकाशन को फिर से शुरू करने के बारे में क्या निर्णय किया गया है ?

सूचना और प्रसारण मंत्री (डा० कसकर) : मालूम हुआ है कि पत्रिकाओं का प्रकाशन फिर से शुरू करने का प्रस्ताव एस्टीमेट कमेटी ने अक्टूबर के आखिर में मंजूर कर लिया है। इस सम्बन्ध में और आवश्यक कार्यवाही की जायेगी।

श्री भक्त वर्शन : क्या मैं जान सकता हूँ कि इन पत्रिकाओं का फिर से प्रकाशन शुरू होने की कब तक आशा की जाती है ?

डा० कसकर : जब मिनिस्ट्री से पास एस्टीमेट्स कमेटी की मंजूरी पहुँच जायेगी तब इस बारे में कार्यवाही की जायेगी। अभी यह बताना कि कब से इनका प्रकाशन शुरू होगा, मुश्किल है।

Rehabilitation of Displaced Peasants and Labourers

*1147. { **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of Rehabilitation be pleased to state :

(a) whether Government have any scheme to rehabilitate those sections of landless peasants and agricultural labourers among Displaced Persons in Delhi who do not come under the category of tenants;

(b) if so, the nature of the scheme;

(c) whether Government have made any record of such persons in Delhi; and

(d) if so, their number ?

The Minister of Rehabilitation (Shri Mehr Chand Khanna): (a) to (d). No record of such persons was kept in Delhi. They were entitled to the benefits of the various rehabilitation schemes which were in operation for displaced persons generally.

Sardar Iqbal Singh : May I know whether the Government is aware of the fact that these displaced persons come under the category of neither landlords nor claimants and they are put to great difficulty in Delhi. They were applying to the Delhi State Government for their benefits saying that at least some land might be given to them. May I know whether Government has drawn up any scheme for them ?

Shri Mehr Chand Khanna: As far as the Delhi State Government is concerned, I am not in a position to answer. But, I can say categorically that no displaced person who has come from West Pakistan can be given any better rights in India than what he was entitled to in West Pakistan.

Sardar Iqbal Singh: Is Government aware of the fact that these displaced persons are even more hard hit than the ejected

tenants, because ejected tenants were entitled to claim some land under some law? These displaced persons are given neither some land nor other benefits and they have been suffering for the last 8 years.

Shri Mehr Chand Khanna: I have already stated that they were entitled to benefits like any other displaced persons. As regards the allotment of land, we are finding it difficult to satisfy even the claimants, what to say of giving land to non-claimants.

Sardar Iqbal Singh: Will Government prepare any scheme for putting these persons as tenants in those lands which were formerly occupied by Mohammedan tenants who had left for Pakistan ?

Shri Mehr Chand Khanna: Whatever land has become evacuee land is being allotted to the displaced persons in lieu of the lands left by them in West Pakistan. The question whether it was formerly occupied by Mohammedan tenants is not the concern of the Government of India.

Anchal System (Travancore-Cochin)

*1150. **Shri A. M. Thomas:** Will the Minister of Communications be pleased to lay on the Table of the Sabha a statement showing the terms and conditions under which the Anchal System of the former Travancore-Cochin State was taken over by the Centre and state:

(a) the period of the Agency System under which the services were run by the erstwhile Travancore-Cochin Government and under what conditions; and

(b) how many employees were taken over by the Centre from the Anchal Department ?

The Minister of Communications (Shri Raj Bahadur): A statement of the terms and conditions is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 61].

(a) The Agency System lasted from 1-4-50 to 31-3-1951; the conditions of the System have been mentioned in the statement that has been laid on the Table of Lok Sabha.

(b) 2,239.

Shri A. M. Thomas: From the statement that has been placed, it is seen that the department was taken over by the Centre on 1-4-50 as will be seen from this statement:

"Receipts and expenditure connected with the working of the Anchal System were to be in the budget of the Indian P. & T. Department. Therefore, the profit, if any, on the working of the system would accrue to the Indian

P. & T. Department and if there is loss it would likewise be met by that Department."

If so, why is it that the Anchal employees were not entitled to benefits of the Central scales of pay from 1-4-1950, along with the other employees in the Income-tax Department, Central Excise Department, etc.?

Shri Raj Bahadur: The obvious reason is that between the period from 1-4-50 upto 31-3-51, the old Anchal System was being worked as an agency of the Postal Department through the State Government. This was done as per recommendations of the Indian States Finances Enquiry Committee for very many reasons.

Shri A. M. Thomas: As a matter of fact, there was agitation from the Anchal employees of the State. The Communications Minister, when this matter was raised in the current year at the time of the discussion of the Communications Ministry's Demands, said that orders have been passed to give these employees also the benefit of the Central scales of pay from 1-4-50. Some of the employees were paid really. What exactly stands in the way? Why this too ultra-technical interpretation of the agency system?

Shri Raj Bahadur: I am afraid it could not be considered to be a too ultra-technical interpretation. I can say that so far as the other ex-State personnel were concerned, namely, those who were taken over into the P. & T. services right from the introduction of the Constitution, they have been granted their emoluments from 1-4-50 on the basis of P. and T. scales. In regard to the Anchal System employees, there was a special feature because in their case we had to resort to a particular arrangement as a result of the recommendations of the Indian State Finances Enquiry Committee. Therefore the Anchal System employees could not be given the same benefit as their case was a difficult one.

Shri A. M. Thomas: According to the recommendations of the State Finances Enquiry Committee, referred to by the hon. Minister, the employees had to opt either for the State conditions of service or Central conditions of service. They having opted for Central conditions, is it now open to the Central Government to say that they won't be entitled to the benefit?

Shri Raj Bahadur: So far as the Anchal employees are concerned, speaking, subject to correction, they were not given that option to start with.....

Shri A. M. Thomas: They were.

Shri Raj Bahadur: with effect from 1-4-50. They were taken over on 1-4-51. Up to 31-3-51, they were on the Agency system.

Shri A. M. Thomas: That is not correct.

Shri Velayudhan: May I know whether in this House itself, the former Minister, the late Shri Kidwai, had definitely said that their service would be counted from 1-4-50? May I know whether the Minister is aware of that and whether that has been fulfilled?

Shri Raj Bahadur: I am not aware of such a statement having been made by Shri Kidwai. I can only say that to begin with the decision was that the Anchal System will continue on an agency basis for two or three years. As a matter of fact, long before the first year ended, the system was ended and they were taken over from 1-4-51.

Shri Matthen: Definite orders were issued by the P. & T. department from Delhi to pay the Anchal employees their arrears of pay from 1-4-50. Accordingly, bills were prepared, audited and some of them were paid. Now, they have cancelled that order and asked them to refund the amount paid. When every other department taken over by the Central Government gets the benefit from 1950, what is the logic of delaying in the case of these people? I think it is a very small sum for P. & T. department.

Shri Raj Bahadur: The logic is very clear. Because the Anchal postage rates were much cheaper and the emoluments or scales of pay of Anchal employees were also lower than the Indian P. & T. rates or scales of pay, and that the Anchal System employees were taken on an agency basis. That does not mean that we were not mindful of the need that we should give due advantages of integration to the Anchal employees too. To begin with, however, when the State people were given the benefit of P.&T. scales of pay from 1-4-50, these employees were also considered on a similar footing. Later on, it was found that their case was a different one. Hence there may have been some payments. I will consider the matter so far as these employees are concerned.

Shri V. P. Nayyar: May I ask the hon. Minister whether it is not a fact that on Federal financial integration, these employees who opted for Government of India service, were considered to have been under some agency while, simultaneously, the Government revised the rates of postage and registration and even during that period the Postal Department made earning much more than the Travancore-Cochin Government used to have, and if so, why is it difficult for the Government to pay from this extra revenue?

Shri Raj Bahadur: I think the difference will be clearly appreciated. As I said, the Anchal people are low-paid employees. The postal rates were also low. They were a somewhat distinct category

from the other ex-State people. Hence the distinction. In order to give them the same advantage, we shall have to reconsider the whole matter.

Shri A. K. Gopalan: May I know whether the hon. Minister will look into the assurance and promise given by the previous Minister and reconsider the matter?

Shri Raj Bahadur: I have already said that.

Shri A. M. Thomas: I am glad....

Mr. Speaker: How many questions am I to allow on this one question? I will proceed to the next question.

Shri A. M. Thomas: One question, Sir. This is a very serious matter affecting more than 2,000 persons. Whereas the other employees taken over by the Centre, the Income-tax employees, the Excise employees, have been given the benefits, these people are denied the benefit. It is also going against the assurances given on the floor of the House.

Mr. Speaker: What is the question?

Shri A. M. Thomas: On the floor of the House, assurances have been given that they will also be granted the Central scales of pay from 1-4-50. Last April an assurance was made. The hon. Minister says that he is not aware.

Mr. Speaker: What is the question?

Shri A. M. Thomas: The hon. Minister said that he is prepared to reconsider the matter. Day before yesterday I got a letter from the hon. Minister to the effect that the Finance Ministry has already given me the reply. I do not know how the hon. Minister would stick to his statement that he would reconsider the matter.

Shri Raj Bahadur: The hon. Member will perhaps understand that he has addressed a letter separately and a reply has been given. In spite of that I will take up the matter again.

Shri A. K. Gopalan: Certain assurances and promises had been given by the hon. Minister's predecessor that the matter would be considered. May I request you to ask him to say that he will look into the matter and reconsider it?

Shri Velayudhan: Why was it not implemented?

Mr. Speaker: I shall ask this matter be taken up by the Assurances Committee.

Automatic Looms

*1151. **Shri Tulsidas:** With the Minister of Commerce and Consumer Industries be pleased to state:

(a) the number of additional automatic looms in the cotton textile mills whose installation has been permitted for an additional production of 350 million yards;

(b) the State-wise allocation of the same;

(c) whether the cloth produced on these looms is specifically reserved for the export market;

(d) the number of looms under this allocation which have been installed by the textile mills so far; and

(e) to what extent cloth produced by them has been exported?

The Minister of Consumer Industries (Shri Kanungo): (a) and (b). As against the 18,000 automatic looms to be installed for the production of 350 million yards of cloth for export, condition letters have been issued for 10,512 automatic looms for installation in 107 mills. A statement showing State-wise allocation of these 10,512 looms is placed on the Table of the House. [See Appendix IV, annexure No. 62].

(c) Yes, Sir.

(d) No looms have so far been installed.

(e) Does not arise.

Shri Tulsidas: May I know whether by installing these looms, the Minister thinks that we will be able to export our cloth at cheaper price?

Shri Kanungo: Yes; that is the hope.

Shrimati Tarkeshwari Sinha: May I know what is the position with regard to the cotton received under the U.S. Aid Programme the cloth to be exported to Burma? May I know whether the cloth produced in the automatic looms in Bombay would be taken?

Shri Kanungo: Automatic looms will take some time to be on the spot. The Burmese negotiations have nothing to do with it.

Storm Detecting Radar

*1153. { **Sardar Iqbal Singh:**
Shri M. Islamuddin:
Sardar Akarpuri:

Will the Minister of **Communications** be pleased to refer to the reply given to Starred Question No. 1933 on the 19th September, 1955 and state:

(a) whether the storm-detecting radar for modernising the observational outfit at New Delhi Airport has been received from the firm with whom the indent was placed; and

(b) if so, its price and incidental expenses?

The Minister of Legal Affairs and Civil Aviation (Shri Pataskar): (a) The storm-detecting radar set along with most of its accessories has already been shipped from the U. S. A. A part of this equipment has just been received and the rest is expected shortly. Some other ancillary equipment is expected only next year.

(b) The price of the radar set and its ancillary equipment is estimated at Rs. 10.25 lakhs, and incidental expenses including installation charges would be about Rs. 2.15 lakhs. The equipment is being obtained under the Technical Co-operation Aid Programme of the U.S.A.

Sardar Iqbal Singh: May I know the number of Indian aircraft fitted with radio telephone service because this equipment will be useful only if our aircrafts are fitted with that?

Shri Pataskar: Will the hon. Member repeat the question?

Sardar Iqbal Singh: May I know whether such type of equipment will be installed in the Bombay airfield also?

Shri Pataskar: It is a suggestion for action. We will consider it.

Dibrugarh-Pashighat Air-Service

*1154. **Shri Gohain:** Will the Minister of **Communications** be pleased to state:

(a) the number of passenger air services operating between Dibrugarh and Pashighat (NEFA) in a week and on which days;

(b) whether the services on the above-mentioned line were stopped between the 4th October, 1956 and the 7th October, 1956;

(c) if so, the reasons therefor; and

(d) whether Government are also aware that air services to North East Frontier Agency are irregular thereby causing great inconvenience to the travellers and officials?

The Minister of Legal Affairs and Civil Aviation (Shri Pataskar): (a) The Indian Airlines Corporation operate passenger-cum-freight air service between Dibrugarh and Pashighat to frequency of 4 times per week on Tuesdays, Thursday Fridays and Sundays.

(b) Yes, Sir.

(c) 4-10-1956 Due to bad weather.
 5-10-1956 Not scheduled to operate.
 6-10-1956 Due to Pashighat air-field being unserviceable.
 7-10-1956

(d) The Indian Airlines Corporation have reported that cancellation or delay in the service is mostly due to bad weather.

Pakistan's Note on Kashmir

*1155. { **Shri Krishnacharya Joshi:**
Shri H. N. Mukerjee:
Shri Gidwani:

Will the **Prime Minister** be pleased to state:

(a) whether he has received an *aide-memoire* from the Government of Pakistan asking for the Government of India's comments on the promulgation of a constitution by the Jammu and Kashmir constituent Assembly as an integral part of the Indian Constitution;

(b) whether in the said *aide-memoire* and or elsewhere, the Pakistan Government have averred that the action of the said Constituent Assembly is *ultra vires* of international commitments by India and Pakistan regarding a plebiscite in Jammu and Kashmir; and

(c) if so, the stand of the Government of India on this issue?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) Yes.

(c) The views of the Government of India on this question have been repeatedly stated and are well known. A reply will be sent to the Pakistan *Aide Memoire* soon.

Shri Krishnacharya Joshi: May I know whether, after the complete merger of the State of Jammu and Kashmir by the Resolution passed by the Constituent Assembly of the State, the question of plebiscite arises at all?

Shri Jawaharlal Nehru: There is no question of complete merger. The merger took place in 1947.

Shri Krishnacharya Joshi: Some persons in Delhi circulate cyclostyled matter

stating that the Constitution of Jammu and Kashmir is undemocratic. May I know whether this group has any connection with Pakistan?

Mr. Speaker: Whether they are inspired by Pakistan?

Shri Krishnacharya Joshi: What steps have Government taken to stop this propaganda?

Shri Jawaharlal Nehru: The Government strongly disapproves of such propaganda which is not only completely misconceived, but factually wrong completely, but the House knows we function under a democratic structure in which people can say the most foolish and most objectionable things and we have to put up with them.

Shri Kamath: Is it a fact that a few months ago at a public meeting in Delhi the Prime Minister was reported to have stated that he had made an offer to Pakistan of a settlement of the Kashmir problem on a different basis, that is to say on the basis of the present cease-fire line, and if so, is that his present view also?

Shri Jawaharlal Nehru: Throughout this period of eight years, or ever since this trouble started, the first objective of the Government of India has been to seek a peaceful settlement of this as of other problems. In seeking this, we have made all kinds of approaches and offers in the past to the various representatives of the United Nations who came here, but we did not succeed in that. In the course of this, as I said, all kinds of offers and suggestions have been made. If they have not been accepted, there they end. It is no good my going on making offers which are not accepted.

Shri Kamath: The question is whether this offer was made for the division of Kashmir on the present cease-fire line, and if so, does that represent the Prime Minister's view now?

Shri Jawaharlal Nehru: I would like to repeat that our anxiety to have a peaceful settlement has been so great that we have tried to explore every avenue, and about two years ago or may be a little more, when the then Prime Minister of Pakistan came here, I offered to him and I told him that so far as we were concerned, we were so anxious to put an end to this business that we were prepared to talk to him on the basis of the *status quo* with such minor adjustments as might be necessary. I did make that suggestion then, but it is no good the hon. Member asking my position now. My position is not in the air. I have to deal with a party. Unless the

other party accepts something, I cannot deal with nobody.

Shri Kamath: Has the Chief Minister of Jammu and Kashmir agreed to the suggestion, and if so is it not a violation of our Constitution also, as the Constitution provides for complete integration of Jammu and Kashmir with the Indian Union?

Shri Jawaharlal Nehru: Whatever ultimate decision is arrived at will not be by the Prime Minister of India or the Government of India. It will have to come before Parliament for this House to consider.

Shri Gidwani: Has the attention of the Government been drawn to a speech recently made by the Prime Minister of Pakistan to the effect that Pakistan would accept the decision regarding Kashmir on the basis of partition of the State on the present cease-fire line, and may I know whether the Government of Pakistan have communicated it to the Government of India?

Shri Jawaharlal Nehru: Yes, Sir.

Slum Improvement in Calcutta

*1156. **Shri M. K. Moitra:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether the Calcutta Corporation has made proposals through the State Government for slum improvement; and

(b) the action Government have taken thereon?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (b). No, Sir, but slum clearance schemes of the Calcutta Improvement Trust have been forwarded by the State Government. These schemes were discussed recently in Calcutta by the Central, State and Improvement Trust authorities and in the light of these discussions, revised proposals are awaited.

Shrimati Tarkeshwari Sinha: May I know whether Government propose to bring any Bill for slum clearance and improvement, and if so, whether that Bill would be brought forward in the life of this Parliament or in the next Parliament?

Sardar Swaran Singh: So far as the subject of slum clearance with regard to Union Territories is concerned, it is the intention of Government to initiate legislation for slum clearance. It all depends upon the time available with Parliament whether it will be able to take it up here and now. With regard to the States, it is a State subject, and it will be for the State legislatures to consider legislation on that point.

*This answer was subsequently corrected by the Prime Minister. (See Cols. 1447-48)

Shrimati Tarakeshwari Sinha : May I know whether any uniform scheme for slum clearance in the big cities of India has been taken up by the Government, and if so, how far that uniformity has been maintained or is being maintained or will be maintained between the Government of India and the State Governments?

Sardar Swaran Singh: The hon. lady Member knows that I placed on the Table of the House some months ago a copy of the scheme that has been formulated and a copy also of the circular letter that has been sent out to the various State Governments inviting their suggestions with regard to that. I want to add, however, that the problem of slums varies from city to city, and it will not be wise to impose a uniform pattern. Local variations will have to be made.

Shri Sadhan Gupta: May I know what has necessitated the presentation of a revised draft, what difficulties arose in the course of negotiations?

Sardar Swaran Singh: There were no particular difficulties. The scheme that had been put forward by the Calcutta Improvement Trust was not in line with the scheme which the Central Government had formulated. The costs according to the Calcutta Improvement Trust were very much on the high side which we could not bear.

Flying Club in Andhra

*1157. **Shri Krishnacharya Joshi:** Will the Minister of Communications be pleased to state:

(a) whether the proposal to start a Flying Club in Andhra has been finalised; and

(b) if so, when it will be started?

The Minister of Legal Affairs and Civil Aviation (Shri Pataskar): (a) and (b). The Government have decided that the Hyderabad State Aero Club which is now in Andhra State and which had suspended its activities in October, 1951 should be revived. The Government have made it a condition that the Club should enroll at least 100 members before it commences flying training.

Pakistan Employees of Indian Airlines Corporation

*1158. **Shri Gidwani:** Will the Minister of Communications be pleased to state:

(a) whether the Pakistani employees of the Indian Airlines Corporation staged a token strike in September, 1956 against the employment of Indian staff for the Karachi offices of the Corporation; and

(b) whether the Pakistan International Airlines Offices in Bombay and Calcutta employ any Indians?

The Minister of Legal Affairs and Civil Aviation (Shri Pataskar): (a) and (b). Yes, Sir.

Shri Gidwani: What is the number of Pakistani employees in the Airlines Corporation at Karachi?

Shri Pataskar: The total number of the staff at Karachi is 95 at which only seven are Indian nationals.

SHORT NOTICE QUESTIONS AND ANSWERS

U. N. Force in Egypt

S. N. Q. No. 8. Shri Kamath: Will the Prime Minister be pleased to state:

(a) the strength of the Indian contingent comprised in the UN Emergency Police Force in Egypt;

(b) the duties, functions, and powers of the Force;

(c) its status *vis-a-vis* the Government of Egypt; and

(d) how long the Force is expected to function in Egypt?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The answer is rather long, but I am prepared to read it out.

(a) 868, including a battalion of 724 and supporting units.

(b) to (d). Under the UN General Assembly Resolution of November 5, 1956, a United Nations Emergency Force was established 'to secure and supervise the cessation of hostilities in accordance with all the terms of the resolution of the General Assembly of November, 2 1956,' and the Secretary General was asked to take necessary administrative measures for the execution of this resolution. After consultation with the Government of Egypt, the Secretary General made certain proposals regarding the duties and functions of the Force in the performance of their task which were approved by the General Assembly on November 7, 1956. These are:

"When a cease-fire is being established, to enter Egyptian territory with the consent of the Egyptian Government is order to help maintain quiet during and after the withdrawal of foreign troops and to secure compliance with the other terms established in the resolution of 2nd November, 1956. The force obviously should have no rights other than those necessary for the execution

of its function in co-operation with local authorities. It would be more than an observer corps, but in no way a military force temporarily controlling the territory in which it is stationed."

I am reading all this as a quotation from the directions.

"...nor, moreover, should the force have military functions exceeding those necessary to secure peaceful conditions. On the assumption that the parties to the conflict take all necessary steps for compliance with the recommendations of the General Assembly, its function can on this basis be assumed to cover an area extending roughly from the Suez Canal to the armistice demarcation lines established in the armistice agreement between Egypt and Israel".

In the view of the Government of India, and of the Governments of Burma, Ceylon, and Indonesia, which found expression in the recent meeting of the Prime Ministers of these countries in New Delhi, the United Nations Emergency Force should be a temporary one and its functions should be strictly confined to the purposes of the resolutions of the United Nations General Assembly.

Shri Kamath: Is it a fact that this Indian contingent of the United Nations Emergency Force will function or will be stationed in the Sinai Peninsula, as was reported in the press recently?

Shri Jawaharlal Nehru: I cannot say definitely. It is for the Commander of the Force to determine; he may change them about.

Shri Kamath: Has the Prime Minister's attention been drawn to the Egyptian President Nasser's reported statement yesterday that fighting might break out any moment in Egypt because of the tension still prevailing there, and if so, may I know whether the UN Emergency Force has so far succeeded in allaying the tension somewhat?

Shri Jawaharlal Nehru: I have seen some reference in the press to a reported statement by President Nasser. He has said that this might happen. That is his view. I can say nothing to it. There is no fighting going on there now, except perhaps occasional sniping here and there or something like that, so far as I know. The whole object of sending this Force there was to lessen tension and prevent conflict. I have no doubt that tension is much less, but obviously, it is still there.

Shri Kamath: Is this not the first occasion on which, under the aegis of the

world body, the United Nations, an international force has been organised to halt aggression and maintain peace in a country, and if so, does the Prime Minister consider that it augurs well for the abolition or the disbandment of sovereign national armies and the outlawing of war in the near future?

Mr. Speaker: That is a larger issue.

Shri Kamath: All right. I shall put one last question. The house will miss the Prime Minister for the rest of the session, and I am sure the Prime Minister will also miss the House; that is why I am putting this last question.

Is the Prime Minister in a position to tell the House whether during his visit to the USA he proposes to discuss with President Eisenhower the problem of the Suez Canal and also the stability and security of Israel amid a hostile Arab world, particularly in view of the accord or similarity of the outlook and approach of the USA Government with that of the Indian Government in this matter of Egypt and Anglo-French aggression in that country?

Mr. Speaker: It does not arise out of this question.

Shri Jawaharlal Nehru: It has no connection with this question at all. These are very interesting points that he has raised. If you would permit me, I shall just tell him that we have no kind of an agenda of points to be discussed; and any question will be discussed which the President suggests or which possibly comes into my mind at the time.

Shri Kamath: He has also given a very interesting answer.

U. N. Force for Kashmir

S.N.Q. No. 9. Shri M.S. Gurupadaswamy: Will the Prime Minister be pleased to state:

(a) whether Government are aware of the statement of the foreign Minister of Pakistan on the 7th December, 1956 in a Press Conference that his Government would favour the replacement of Indian and Pakistan forces in Kashmir by a U. N. Force; and

(b) what is the reaction of the Government of India in regard to this matter?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) There is no question of any United Nations Police Force being stationed in the State of Jammu and Kashmir. As far back as 19th August 1948, the Pakistan Government enquired from the U. N. Commission whether it was intended to employ an international or a neutral force to replace Pakistan troops which were to be withdrawn from the State in accordance with

the Commission's Resolution of August 1948. The Commission in their reply dated August 19, 1948 made it quite clear that it had contemplated no such proposal.

No question can arise of any outside force coming into Kashmir which is Indian territory.

Shri M. S. Gurupadaswamy : In the course of his press conference, the Foreign Minister of Pakistan has stated that the Kashmir issue might come up before the Security Council in January next. May I know whether there is any truth in this statement ?

Shri Jawaharlal Nehru : No I have seen the statement to which the hon. Member refers. I cannot say what the Pakistan Government may do and when it may do it. The Foreign Minister of Pakistan has made many statements in the course of the last few weeks; some of them seem to me to be rather extraordinary.

Shri M. S. Gurupadaswamy : In the course of the same press conference, the Pakistan Foreign Minister has stated that Pakistan has to depend on the collective strength of the Baghdad Pact Powers for her defence against India ..

Mr. Speaker : Are we to go into all that ? The hon. Member has taken only one item out of the press conference and asked about the replacement of the Indian and Pakistani forces in Kashmir by the U.N. Force as the attitude of the Government thereto. At the press conference, many other things might have been stated. Are we going into all those details of the press conference in a short notice question relating to only one item. No. The House will now proceed to the next item.

Shri M. S. Gurupadaswamy : This is a related question.....

Mr. Speaker : No. I am going to the next item.

An Hon. Member : The Prime Minister is prepared to answer it.

Mr. Speaker : Whether he answers it or not, the question does not arise.

WRITTEN ANSWERS TO QUESTIONS

All India Industrial Tribunal

*1125. **Shri Chatopadhyaya :** Will the Minister of Labour be pleased to state :

(a) the names of the collieries which have not yet implemented the All India Industrial Tribunal (Colliery Disputes) Award;

(b) the action Government propose to take against the management of those collieries; and

(c) the number of additional Labour Inspectors appointed since the publication of the Award ?

The Minister of Labour (Shri Khandubhai Desai) : (a) Almost all the 960 collieries covered by the Award have implemented most of the directions contained therein. A list of collieries in which implementation has been unsatisfactory is placed on the Table of Lok Sabha. [See Appendix IV, annexure No. 63].

(b) The officers of the Industrial Relations Machinery have been instructed to serve notices on the managements of the collieries, where the award has not been satisfactorily implemented, to show cause why they should not be prosecuted for non-implementation of the Award.

(c) Fourteen.

State Trading Corporation

*1131. **Shri Ram Krihan :** Will the Minister of Commerce and Consumer Industries be pleased to state how the State Trading Corporation consults representatives of Industry and Trade for each commodity taken up by them ?

The Minister of Trade (Shri Kar-markar) : There is no fixed pattern of consultations made by State Trading Corporation with representatives of Industry and Trade. Consultations are held with individual representatives or with Associations, depending on the organisation of trade in a particular commodity.

Manufacture of Heavy Machinery

*1132. { **Shri D. C. Sharma :**
Sardar Iqbal Singh :
Sardar Akarpuri :

Will the Minister of Heavy Industries be pleased to state :

(a) whether the team of advisers from the Soviet Union who visited India recently to advise the Government of India on the establishment of a plant for the manufacture of heavy machinery has submitted any report; and

(b) if so, whether it has been considered ?

The Minister of Heavy Industries (Shri M. M. Shah) : (a) No, Sir.

(b) Does not arise.

Textile Exports

*1139. **Shri Shivannajappa** : Will the Minister of Commerce and Consumer Industries be pleased to state the steps Government have taken to step up India's textile exports to the Middle East countries?

The Minister of Trade (Shri Karmarkar) : A statement is laid on the Table of the House. [See Appendix IV, annexure No. 64.]

International Commission for Viet-Nam

*1140. **Shri Shree Narayan Das** : Will the Prime Minister be pleased to state:

(a) whether it is a fact that North Viet-Nam had asked the International Commission supervising the Viet-Nam armistice to prevent the S.E.A.T.O. countries from carrying out planned manoeuvres in South Viet-Nam; and

(b) if so, whether any steps were taken by the Commission?

The Deputy Minister of External Affairs (Shri Anil K. Chanda) : (a) Yes.

(b) In keeping with the usual practice, the International Commission has taken up the matter with the Government of South Viet-Nam.

Rent of Evacuee Houses

*1146. **Dr. Satyawadi** : Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that the rent paid by the tenants in the evacuee houses in certain cases is treated as "license" money instead of rent;

(b) if so, the difference between the two; and

(c) the reasons why the regular rent is not treated as rent?

The Minister of Rehabilitation (Shri Mehr Chand Khanna) : (a) to (c). There are some cases of unauthorised occupation of evacuee properties. As a matter of general policy, the unauthorised occupation of displaced persons who came into occupation before the 1st January, 1955 is regularised provided they pay the entire rent due from them. The amount received from the unauthorised occupants pending regularisation of their occupation is termed as "License fee" as distinguished from rent which is charged from authorised occupants.

Allotment of Quarters to Displaced Persons

*1148. **Babu Ramnarayan Singh** : Will the Minister of Rehabilitation be pleased to state:

(a) whether Government are aware of the fact that several displaced persons have represented against the allotment of one quarter to two families in Delhi; and

(b) if so, whether Government propose to take any action in the matter?

The Minister of Rehabilitation (Shri Mehr Chand Khanna) : (a) Yes.

(b) The allotment of one unit consisting of two quarters was made where the number of persons in a family eligible for allotment was more than five. One quarter was allotted where the family had less than five members. At this stage when allotments have ceased, it is not considered feasible to make changes, particularly when alternative allotments for those who might get displaced by those changes will be impossible to find.

Fertilizer Factory in Andhra

*1149. **Shri B. S. Murthy** : Will the Minister of Production be pleased to state:

(a) whether the Andhra Pradesh requested any help for the new Fertiliser Factory to be established in that State; and

(b) if so, the nature of the help?

The Deputy Minister of Production (Shri Satish Chandra) : (a) The hon. member is presumably referring to the demand for setting up a fertilizer factory in Andhra Pradesh. No other request for help has been received.

(b) Does not arise.

Per Capita National Income

*1152. **Thakur Jugal Kishore Sinha** : Will the Prime Minister be pleased to state the State-wise figures of average national income per capita?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : The information is not yet available.

Transgression by Pakistani Planes

*1159. **Shri D. C. Sharma** : Will the Prime Minister be pleased to refer to the reply given to Starred Question No. 590, on the 1st August, 1956, regarding violation of Indian Territory by two

Pakistani aircrafts on the 23rd December, 1955, and state :

(a) whether a final reply has since been received from the Pakistan Government; and

(b) if so, its nature?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) A final reply from Pakistan Government is still awaited.

(b) Does not arise.

Statues in Capital

*1161. **Shrimati Tarkeshwari Sinha :** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether Government have any precise policy in regard to the erection of statues in the Capital; and

(b) if so, what?

The Minister of Works, Housing and Supply (Sardar Swaran Singh) : (a) Yes, Sir.

(b) No Statues will hereafter be erected without the permission of Government of India. Where such permission is given, the Government of India will be advised regarding the location, size and design etc. of the Statues by a Committee to be set up for the purpose.

Heavy Industries in Kerala

*1162. **Shri A. K. Gopalan :** Will the Minister of Heavy Industries be pleased to state:

(a) the nature of Heavy Industries Government propose to start in Kerala State during the Second Five Year Plan;

(b) the location of each;

(c) whether any annual plan regarding setting up of these industries has been drawn; and

(d) if answer to part (c) above be in the affirmative, the details thereof?

The Minister of Heavy Industries (Shri M. M. Shah) : (a) and (b). A statement is laid on the Table of the House. [See Appendix IV, annexure No. 65].

(c) and (d). Already contracts for the establishment of the D.D.T. factory at Alwayas have been finalised. The factory is expected to be in production by the end of 1958. Regarding the expansion programme of Travancore Rubber Works, the programme is already in hand.

Film on Untouchability

*1163. **Shri M. Islamuddin :** Will the Minister of Information and Broadcasting be pleased to refer to the reply given to unstarred Q. No. 1911 on the 9th May, 1956 and state :

(a) whether the details of the proposal to produce a full length educative film for

the removal of untouchability has been drawn up; and

(b) if not, reasons for the delay?

The Minister of Information and Broadcasting (Dr. Keskar) : (a) and (b) Details are being worked out. The preparation of script which is to be discussed with persons specially interested in this topic will take some time for finalization.

Political Asylum to a Portuguese Head Constable

*1164. { **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Prime Minister be pleased to state:

(a) whether a Portuguese Head Constable crossed over to India recently; and

(b) whether he was granted Political asylum in this country?

The Deputy Minister of External Affairs (Shri Anil K. Chanda) : (a) and (b) Since 31st July, 1956, 2 Portuguese European officials, one of them a Military Head Constable and the other a Jail Guard, entered India from Goa on the 13th September and 29th September, 1956, respectively, seeking asylum. Their cases are under investigation in consultation with the Government of Bombay. A third Portuguese official, a resident of Daman and Police Constable there also entered Indian territory on the 20th August 1956, declaring that he had done so in error. He was prosecuted for illegal entry and possession of unlicensed arms and was sentenced to two months imprisonment. On the expiry of his sentence he will be expelled to Daman.

Decimal Coinage

*1165. **Shri D. C. Sharma :** Will the Minister of Information and Broadcasting be pleased to state :

(a) the directive issued to the State Governments for giving wide publicity to decimal coinage; and

(b) how far they have been implemented?

The Minister of Information and Broadcasting (Dr. Keskar) :

(a) No directive as such has been issued to State Governments, but as stated in reply to Starred Question No. 2071-A on 12-9-56, the Central Government are maintaining close contact with the State Governments for securing coordinated action in the measures to be taken for arranging the widest possible publicity in this matter.

(b) The State Governments have undertaken such publicity through articles

in the press and also periodicals issued by them, by making arrangements in suitable places for the display of demonstration sets and by utilising their field publicity units for publishing the new coins and the conversion tables in rural areas. The State Governments have also made arrangements for the display and distribution of publicity material produced by the Central Government in the form of broadsheets, posters, enamel boards, pamphlets and folders.

A documentary film on 'Naya Paisa' produced by the Films Division will also be shown by the State Governments through their mobile vans.

Urban Loans

*1166. **Shri Gidwani** : Will the Minister of Rehabilitation be pleased to state:

(a) whether any application for small urban loans sanctioned by State Governments were pending for payment before the Regional Settlement Commissioner Bombay upto the 30 September, 1956; and

(b) if so, the reasons therefor?

The Minister of Rehabilitation (Shri Mehr Chand Khanna) : (a) and (b). 80 applications were pending on 30th September, 1956. They will be disposed of shortly by the Regional Settlement Commissioner to whom funds for the purpose are being allotted.

Co-operative Spinning and Weaving Mills at Cannanore

*1167. **Shri A. K. Gopalan** : Will Minister of Commerce and Consumer Industries be pleased to state:

(a) whether Government have sanctioned the amount of loan asked for by the proposed co-operative spinning and weaving mills at Cannanore of Kerala State;

(b) if so, the amount so sanctioned; and

(c) when the amount can be drawn and under what terms and conditions?

The Minister of Commerce and Industries (Shri Kanungo) : (a) No request for loan has so far been received by Government.

(b) and (c) Do not arise.

Documentary Films on Rehabilitation of Displaced Persons

*1168. **Shri M. Islamuddin** : Will the Minister of Information and Broadcasting be pleased to refer to the reply given to Unstarred Question No. 846 on the 10th April, 1956 and state:

(a) whether the documentary film dealing with rehabilitation of large num-

ber of displaced persons from East Pakistan in various Eastern States, has been completed by Messrs. New Theatres Ltd., to whom it was entrusted;

(b) if so, the total expenditure incurred by Government in this connection;

(c) whether it has been released for exhibition; and

(d) if the answer to part (a) is in the negative, the reasons therefor?

The Minister of Information and Broadcasting (Dr. Keskar) : (a) and (d). No, Sir. Preliminary shooting of the film is going on and it is expected to be ready by about the time mentioned in reply to part (d) of Question No. 846 on the 10th April, 1956.

(b) It would be premature to give an estimate now.

(c) Does not arise.

Report on X-Ray Equipment

892. { **Shri Ram Krishan** :
Shri D. C. Sharma :

Will the Minister of Commerce and Consumer Industries be pleased to refer to the reply given to Starred Question No. 902 on the 9th August, 1956 and state :

(a) whether Government have received the report of the panel of experts on X-Ray equipment; and

(b) if so, the main features thereof?

The Minister of Heavy Industries and Commerce and Consumer Industries (Shri Morarji Desai) :

(a) No, Sir.

(b) Does not arise.

Film Enquiry Committee

893. **Shri Ram Krishan** : Will the Minister of Information and Broadcasting be pleased to state the action taken by Government to implement the recommendation of Film Enquiry Committee that a uniform entertainment tax at the rate of 20% for all seats in all States, should be introduced, in place of the existing widely varying rates on different classes of seats in the States?

The Minister of Information and Broadcasting (Dr. Keskar) : Entertainment tax is an exclusively State subject. The recommendations of the Film Enquiry Committee, 1951, were, therefore, brought to the notice of the State Governments. The whole question was again

recently reviewed by the Taxation Enquiry Commission. While the Commission agreed that a percentage basis should be adopted for the levy, they were not in favour of a specific rate, viz., 20% on an all-India basis. They were of opinion that in order to enable a certain degree of differentiation the percentage may be graded on a very broad basis.

Employment for Displaced Persons

894. Shri Biren Dutt : Will the Minister of Rehabilitation be pleased to state :

(a) Whether the schemes for opening *bidi* factories to provide employment to the old displaced persons of Tripura are being implemented;

(b) if so, how many such factories have been started; and

(c) the number of displaced persons who have been given employment under the *bidi* scheme ?

The Minister of Rehabilitation (Shri Mehr Chand Khanna) : (a) to (c). Yes, 41 *bidi* making units have been sanctioned and are in different stages of implementation. These schemes are expected to provide employment to 615 displaced persons when fully implemented.

Labour Inspectors

895. Shri Chattopadhyaya : Will the Minister of Labour be pleased to state :

(a) the reasons for the delay in filling up the vacancies of Labour inspectors at Kothagudum and Secunderabad; and

(b) who is looking after their work ?

The Minister of Labour (Shri Khandubhai Desai) : (a) The delay in filling up the vacancies is due mainly to the time taken for completing the formalities, namely verification of antecedents and character, medical examination etc., in respect of candidates recommended by the Union Public Service Commission.

(b) One of the candidates recommended by the Commission has since been posted to Kothagudum. The Conciliation Officer (Central), Secunderabad, is looking after the work relating to the office of Labour Inspector at Secunderabad.

Cardamom

896. Shri Velayudhan : Will the Minister of Commerce and Consumer Industries be pleased to state :

(a) whether cardamom is now bought under a pool auction just like tea in the Cochin market; and

(b) if so, who has been given the right to auction the goods ?

The Minister of Heavy Industries and Commerce and Consumer Industries (Shri Morarji Desai) : (a) and (b). Government have issued no instructions for the holding of such auctions. The trade have presumably arrived at some arrangement privately with Messrs Carritt Moran & Co. Ltd. who are reported to be conducting these auctions since 17th October, 1956. Exports of cardamom continues to be free from export restrictions.

Housing for Low-Income Groups

897. Shri Gidwani : Will the Minister of Works, Housing and Supply be pleased to state :

(a) whether Government have received schemes from the State Governments for the allotment of money for housing for low-income groups in their States under the Second Five Year Plan; and

(b) if so, how much money has been allotted to them for the purpose ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh) : (a) No. specific Schemes in regard to low-income groups housing are received from State Governments; they merely indicate their requirements of funds and allocations are made by the Centre. Requirements of funds for the Low-Income Group Housing Scheme for the Second Five Year Plan have already been intimated by most of the State Governments.

(b) A statement is laid on the Table of the House [See Appendix IV, annexure No. 66].

Indian Embassy in U.S.A.

898. Shri D. C. Sharma : Will the Prime Minister be pleased to state :

(a) the expenditure incurred on the Indian Ambassador's Office, Washington in 1955-56 ;

(b) whether there has been any increase in the expenditure of that year as compared to the previous year; and

(c) if so, the reasons therefor ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) The expenditure on the Indian Embassy Washington is debited to different grants controlled by various Ministries. In respect of 1955-56 a total expenditure of Rs. 27,52,348 has been booked so far against the grant controlled by the Ministry of External Affairs only and includes expenditure on the main Chancery and Information Services. As the accounts for the year 1955-56 have not yet been finally closed, it is not possible to furnish firm figures as some book adjustments are likely to be effected before the accounts are closed.

(b) The corresponding figure relating to the year 1954-55 is Rs. 26,37,091. There has thus been a slight increase in expenditure during the year 1955-56 as compared with the previous year.

(c) The excess is mainly due to increase in the expenditure on the Postage and Telegram Charges and carriage of diplomatic bags and as a result of the decision to adjust expenditure on this account relating to the Defence Services Wing, against the Civil Estimates.

Raids from Pakistan

*899. { Shri D. C. Sharma :
Sardar Iqbal Singh :
Sardar Akarpuri :

Will the Prime Minister be pleased to state :

(a) whether the Government of India have made any demand for the loss of life and property of Indian nationals caused by raids from Pakistan side from the 1st of August onwards; and

(b) if so, the result of these demands?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) Yes Sir, in two cases in each of which an Indian national lost his life. In one case the Government of India requested the Government of Pakistan to apprehend the culprits and make them pay damages to the dependents of the deceased. In the other case the Government of West Bengal have asked the Government of East Pakistan to pay adequate compensation.

(b) Final replies are awaited.

Vigilance Officer

900. { Shri D. C. Sharma :
Shri K. C. Sodhia :

Will the Minister of Communications be pleased to state :

(a) whether any improvement has been effected in the working of the

Ministry and its Attached and Subordinate Offices since the Vigilance Officer was appointed; and

(b) the number of officers dealt with for corruption and other irregularities ?

The Minister of Communications (Shri Raj Bahadur) : (a) and (b). A short note containing the required information is laid on the Table of Lok Sabha. [See Appendix IV, annexure No. 67].

Displaced Persons in Mayapur Camp, West Bengal

901. **Shri N. B. Chowdhury :** Will the Minister of Rehabilitation be pleased to state the steps taken by Government to resettle the refugees of the Mayapur Camp in the Arambagh sub-division in the district of Hooghly in West Bengal after their camps have been washed away by the recent floods ?

The Minister of Rehabilitation (Shri Mehr Chand Khana) : There was no camp at Mayapur in Arambagh Sub-division. There were, however, two camps in that sub-division situated at a place called Sahapur which is near Mayapur. These camps were affected by the floods and the displaced families were removed to high lands where 500 new tents were provided for their accommodation. The flood water has since receded and the families are returning to the old camp sites.

Aliganj Quarters for Daftries and Sweepers

902. **Shri S. C. Samanta :** Will the Minister of Works, Housing and Supply be pleased to state :

(a) whether it is a fact that about one thousand quarters were built for Daftries and Sweepers at Aliganj (Lodi Colony);

(b) if so, when ;

(c) when electrical fittings were provided in those quarters;

(d) whether they are getting electric light at present;

(e) how many houses have recently been declared unsafe; and

(f) how the persons living in those houses will be accommodated ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh) : (a) and (b). A statement is laid on the Table of the House. [See Appendix IV, annexure No. 68].

(c) By December, 1955.

(d) No, Sir. Due to shortage of cables, New Delhi Municipal Committee have not yet provided the current.

(e) 25 Daftry quarters and 22 peon quarters are being got vacated for replacement of roofs.

(f) Alternative accommodation is being provided to them.

Industrial Co-operatives in Bihar

903. Thakur Jugal Kishore Sinha : Will the Minister of Commerce and Consumer Industries be pleased to state what provision has been made for financing the industrial co-operatives in the state of Bihar and the agency from which such financing will be done in 1956-57?

The Minister of Heavy Industries and Commerce and Consumer Industries (Shri Morarji Desai) : No specific provision for financing Industrial Co-operatives is made in our State-wise allocations of funds in respect of small scale industries. Every scheme of Industrial Co-operatives, sponsored by State Governments, is, however, examined by this Ministry and requisite financial assistance, on approval of the scheme, is given to State Governments in accordance with the prescribed financial pattern. No scheme relating to Industrial Co-operatives has been received from the State of Bihar.

Exchange of Firing between Border Patrols

904. Shri H. G. Vaishnav : Will the Prime Minister be pleased to state :

(a) whether there was any border clash and heavy exchange of firing between Indians and Pakistani Border Patrols on Tuesday, the 13th November, 1956 near Sialkot; and

(b) if so, the nature of the incident and loss or damage caused thereby?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) and (b). There was no clash or heavy exchange of firing between Indians and Pakistani Border Patrols on the 13th November, 1956, near Sialkot.

Khadi Board

905. Shri Nambiar : Will the Minister of Production be pleased to state :

(a) the topics on which demonstrations were organized by the Khadi Board during 1955-56;

(b) the venue of these demonstrations; and

(c) the total expenditure incurred by the Khadi Board on these demonstrations?

The Deputy Minister of Production (Shri Satish Chandra) : (a) to (c). A statement is laid on the Table of the House. [See Appendix IV, annexure No. 69].

Ghanis

906. Shri Nambiar : Will the Minister of Production be pleased to state :

(a) the total number of *ghanis* recognised by the Khadi and Village Industries Board in India at present;

(b) their State-wise distribution;

(c) the amounts sanctioned to the All India Khadi and Village Industries Board for the development of *Ghani* Industry during the years 1953-54, 1954-55, 1955-56, and 1956-57 and how the amounts have been utilized by the Board; and

(d) the number of *ghanis* proposed to be opened during the current financial year and their location (State-wise)?

The Deputy Minister of Production (Shri Satish Chandra) : (a) According to reports available so far, 11,635 *ghanis* have been registered upto the end of November, 1956.

(b) and (c) Two statements are laid on the Table of Lok Sabha. [See Appendix IV, annexure No. 70].

The amounts are being utilized *inter alia* for the following purposes :—

- (i) for stocking oilseeds;
- (ii) for providing share capital for oilmen's co-operatives;
- (iii) for the installation of improved *ghanis* and the construction of sheds;
- (iv) for setting up model demonstration-cum-production centres;
- (v) for providing training to *mistries* and *telies* etc ;
- (vi) for payment of rebate on sale of *ghanis* oil;
- (vii) for manufacturing of *ghanis*; and
- (viii) for publicity and propaganda.

(d) 2,000 *ghanis* are proposed to be introduced during the current year. Of these, 1,884 *ghanis* only have so far been allocated to the different States. Statement III showing the State-wise allocation is also laid on the Table of Lok Sabha. [See Appendix IV, annexure No. 70].

डाक और तार विभाग में हरिजनों का चुनाव

६०७. श्री प० सा० बाबूपाल : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि राजस्थान के डाक और तार विभाग की सभी श्रेणियों के, अर्थात् क्लर्क, पोस्टमैन तथा चतुर्थ श्रेणी के कर्मचारी — पदों के लिये की जाने वाली भर्ती में हरिजन उम्मीदवारों को प्रतिनिधित्व प्राप्त नहीं है ; और

(ख) यदि हाँ, तो क्या कारण है कि बीकानेर डिवीजन में इन्टरव्यू लिये लगभग छः महीने हो गये किन्तु किसी हरिजन को काम पर नहीं लगाया गया है ; और जगहें भी खाली पड़ी हैं ?

संचार मंत्री (श्री राज बहादुर) :
(क) यह ठीक नहीं है ।

(ख) शायद माननीय सदस्य उस परीक्षा की ओर संकेत कर रहे हैं जो कुछ समय पहले बीकानेर डिवीजन में चतुर्थ श्रेणी के कर्मचारियों के चुनाव के लिये हुई थी । तीन अनुसूचित जातियों के उम्मीदवार सफल हुये थे, परन्तु केवल एक ही व्यक्ति ने नियुक्ति (Appointment) स्वीकार की । आवश्यक अनुदेश (Instructions) दे दिये गये हैं कि जो भी प्रारक्षित रिक्त - स्थान बाकी हैं, उन्हें इस विषय में प्रचलित आदेशों के अनुसार तत्काल ही भर लिया जाय ।

N. E. F. A.

908. Shri Rishang Keishang : Will the Prime Minister be pleased to state :

(a) whether it is a fact that a Financial Adviser has been appointed for North East Frontier Agency Administration; and

(b) if so, since when ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) and (b). In view of the new large scale development process and the urgent needs of establishment and extending administration in the North East Frontier Agency, the Government of India appointed a Financial Adviser, with effect from 24th June, 1954, for assisting the Agency in effecting economy, expediting financial sanction and avoiding delay. The Financial Adviser is also an *ex-officio* Deputy Secretary in Finance Ministry and has the power to give financial concurrence on the spot within certain limits.

Fertilizer Factories

909. Shri Viswanatha Reddy : Will the Minister of Production be pleased to state :

(a) the total quantity of fertilisers that is to be produced in the three fertilizer factories that are proposed to be set up during the Second Five Year Plan; and

(b) when are these factories expected to start production ?

The Deputy Minister of Production (Shri Satish Chandra) : (a) When in full production the three factories are expected to produce about 2,20,000 tons of nitrogen per annum. The total quantity of fertilizers will depend on the nitrogen content of the finished products.

(b) By about 1960-61.

N. E. F. A.

910. Shri Gohain : Will the Prime Minister be pleased to state :

(a) how many houses and villages of the tribal people in N.E.F.A. are reported to have been burnt by accidental fire in the year 1956 so far; and

(b) whether compensations in the way of relief have been given to the affected people for their rehabilitation ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) and (b). The information has been called for from the NEFA, Administration and will be laid on the Table of the House, when received.

गंगानगर (राजस्थान) में विस्थापित व्यक्ति

६११. श्री ए० ला० बाबूपाल : क्या पुनर्वास मंत्री यह बताने की कृपा करेंगे कि :

(क) जिला गंगानगर (राजस्थान) में पाकिस्तान से कुल कितने विस्थापित परिवार आये हैं ;

(ख) उक्त परिवारों में से कुल कितने पंजीबद्ध किये गये हैं और कितने शेष हैं ; [और

(ग) क्या सरकार के पास कोई ऐसे आंकड़े हैं जिन से पंजीबद्ध और नहीं पंजीबद्ध किये गये परिवारों का पता लगा कर उनकी सही-सही संख्या जानी जा सके ?

पुनर्वास मंत्री (श्री मेहर चन्द खन्ना):

(क) से (ग). १९५१ में की गई जन गणना के अनुसार राजस्थान में शरणार्थियों की संख्या २.६७ लाख है। जिला गंगानगर में आने वाले शरणार्थियों की संख्या, चाहे वे रजिस्टर्ड थे अथवा नहीं, उपलब्ध नहीं है। हमारा विचार है कि इसके एकत्रित करने में जितना समय और मेहनत लगेगी उसके बराबर प्राप्त होने वाला परिणाम नहीं होगा।

Sub-soil Water in Delhi

912. { Sardar Iqbal Singh :
Sardar Akarpuri :

Will the Minister of Works, Housing and Supply be pleased to state :

(a) whether the committee of experts appointed by the Ministry of Works, Housing and Supply has submitted any report regarding sub-soil water in Delhi;

(b) if so, the main feature of the report; and

(c) whether any steps have been taken in the matter ?

The Minister of Works, Housing and supply (Sardar Swaran Singh) :

(a) Yes Sir, An interim report has been received;

(b) The main features of the interim report are :—

(i) There has been a rise in the sub-soil water level in New Delhi varying from two feet to seventeen feet since 1912.

(ii) The sub-soil water level in some places during monsoon has been found to be rising to about 6 feet and in some places between 6ft. to 10ft. below the ground level.

(iii) There has been no serious settlement of soil on this account, nor has any serious damage so far occurred to buildings nor is any large scale damage apprehended; nevertheless, some caution is indicated as rise in sub-soil water level tends to reduce the bearing capacity of the soil and increases the possibility of seepage of moisture into floors and walls with consequential effects on the super-structure.

(c) Yes Sir, by lowering of sub-soil water table in the 'badly affected' areas by pumping out.

****CORRECTION OF ANSWER TO SUPPLEMENTARY QUESTION ON STARRED QUESTION No. 1155**

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : I am very grateful to you for this opportunity to make a correction. This morning a Supplementary Question was put to me (vide Starred Question No. 1155) and I gave an answer, I find now from the report that the question was much more than that I had heard and my answer 'Yes' appears to cover much more than what I know. As reported, the question by Shri Gidwani was:

"Has the attention of the Government been drawn to a speech recently made by the Prime Minister of Pakistan to the effect that Pakistan would accept the decision regarding Kashmir on the basis of partition of the State on the present cease-fire line...."

This is all I heard. But the question continues :

"...and may I know whether the Government of Pakistan have communicated it to the Government of India?"

1447 *Correction of Answer 13 DECEMBER 1956* *Correction of Answer 1448*
to Supplementary Question on Starred Question
No. 1155

I was not aware of this. My answer was 'Yes'. I have seen in the newspapers what the Pakistan Prime Minister has said. But this report of my answer to this question is, I believe, on the wires to newspapers and it appears to mean that the Pakistan Government had communicated this to me; it is not so. All I meant was that I have seen in the newspapers the report of the speech of the Prime Minister of Pakistan.

I would like to make this correction, and if it is agreeable to you, even in the previous answer, this correction might be made.

Mr. Deputy Speaker : That correction may be made so far as our records are concerned. I will request the Press also if they have sent certain despatches, that they might make that correction. They ought to take note of this. I may inform the House that certain hon. Members also might have felt it. I was here on this side, some hon. Members did feel that the Prime Minister had not heard the latter portion of the question. We felt that the Prime Minister's answer was not the answer to the whole question. Myself and Mr. Gopalan discussed it at that time.

**See Col. 1424

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)



LOK SABHA SECRETARIA.
NEW DELHI

SIX ANNAS (INLAND)

TWO SHILLINGS (FOREIGN)

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LOK SABHA

Thursday, 13th December, 1956

The Lok Sabha met at Eleven of the Clock.

[Mr. Speaker in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12-08 hrs.

PAPERS LAID ON THE TABLE

INTERIM REPORT OF SECOND FINANCE COMMISSION

The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari): I beg to lay on the Table, under article 281 of the Constitution, a copy of the Interim Report of the Second Finance Commission together with an explanatory memorandum showing the action taken thereon. [See Appendix IV, annexure No. 71.]

Shri Kamath (Hoshangabad): Happy new year to the Prime Minister. For, he would not be here.....

Mr. Speaker: He will come back by that time.

Shri Kamath: He would not come back till the New Year.

NOTIFICATIONS UNDER COFFEE MARKET EXPANSION ACT

The Minister of Consumer Industries (Shri Kanungo): I beg to lay on the Table a copy of each of the following

Notifications, together with an explanatory note issued under the Coffee Market Expansion Act, 1942:—

(i) S.R.O. No. 1668, dated the 13th August, 1955; and

(ii) S.R.O. No. 1669, dated the 13th August, 1955. [Placed in Library. See No. S-561/56.]

AMENDMENTS TO COAL MINES PITHEAD BATH RULES

The Minister of Labour (Shri Khandubhai Desai): I beg to lay on the Table, under sub-section (7) of section 59 of the Mines Act, 1952, a copy of S.R.O. No. 2465, dated the 27th October, 1956, making certain amendments to the Coal Mines Pithead Bath Rules, 1946. [Placed in Library. See No. S-559/56.]

AMENDMENTS TO COAL MINES LABOUR WELFARE FUND RULES

Shri Khandubhai Desai: I beg to lay on the Table a copy of the S.R.O. No. 2778, dated the 24th November, 1956, making certain amendments to the Coal Mines Labour Welfare Fund Rules, 1949. [Placed in Library. See No. S-560/56.]

Shri T. B. Vittal Rao (Khammam): As regards the rules that have been modified and laid on the Table of the House, up till now the procedure has been that whenever any rule is to be modified the draft is to be first published in the gazette and comments called for. In this case, this was not done. May I know why the previous practice was not followed?

Mr. Speaker: Is it not obligatory under the General Clauses Act that all

[Mr. Speaker]

rules must be published in the Gazette of India?

Shri T. B. Vittal Rao: The draft is first published and comments called for and then it is finalised.

Mr. Speaker: What has happened now?

Shri T. B. Vittal Rao: That practice has not been followed. The draft rules were not published.

Mr. Speaker: Only final rules have been published?

Shri T. B. Vittal Rao: Yes, Sir.

Shri Khandubhai Desai: In order to expedite it, we have done it.

Mr. Speaker: The hon. Minister will kindly look into this matter. I believe under the General Clauses Act, all rules must first be published in the gazette in draft form, in three issues, and so on.

Shri Khandubhai Desai: I will look into it.

REPORT OF TARIFF COMMISSION ON
ISONICOTINIC ACID INDUSTRY, ETC.

The Minister of Heavy Industries (Shri M. M. Shah): I beg to lay on the Table, a copy of each of the following papers, under sub-section (2) of section 16 of the Tariff Commission Act, 1951:

(1) Report (1955) of the Tariff Commission on the grant of protection and/or assistance to the Isonicotinic Acid Hydrazide (Isoniazid) (INH) Industry;

(2) Government Resolution No. 2(2)TBj55 dated the 8th December, 1956;

(3) Statement under proviso to section 16(2) of the Tariff Commission Act, 1951, explaining the reasons why the documents referred to at (1) and (2) above could not be laid within the period prescribed under the said section.

[Placed in Library. See No. S-563/56.]

POINT OF INFORMATION

Shri Kamath (Hoshangabad): Before we proceed to other matters, may I earnestly request you to take notice of the fact that the Minister of Information and Broadcasting promised on Monday to make a statement "in two or three days"? That was the definite statement he made on Monday about facilities for broadcasts on the A.I.R. by leaders of different political parties in India. Today is Thursday, the fourth day after he made that statement. He has not made the promised statement.

Mr. Speaker: His attention will be drawn to this.

MOTIONS RE MODIFICATION OF LIFE INSURANCE CORPORATION RULES

Mr. Speaker: The House will now proceed with discussion of Motions regarding modification of the Life Insurance Corporation Rules, 1956.

Shri S. C. Samanta (Tamluk): I beg to move:

This House resolves that in pursuance of sub-section (3) of section 48 of the Life Insurance Corporation Act, 1956, the following new Rule be inserted after rule 2 of the Life Insurance Corporation Rules, 1956, laid on the Table on the 20th November, 1956:

"2A. Meetings of the Corporation and of certain Committees.—The Corporation, the Executive Committee and the Investment Committee thereof shall meet at such times and at such places as the Chairman of the Corporation or as the Committee concerned may appoint in this behalf:

Provided that as nearly as may be one-half of the total number of such meetings in a year shall be held in Calcutta."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

Shri Sadhan Gupta (Calcutta South-East) I beg to move:

(1) This House resolves that in pursuance of sub-section (3) of section 48 of the Life Insurance Corporation Act, 1956, the following rules be substituted for rule 14 of the Life Insurance Corporation Rules, 1956, laid on the Table on the 20th November, 1956:

"14. Corporation to constitute Employees and Agents Relations Committees.—The Corporation shall constitute for each zonal office an Employees and Agents Relations Committee consisting of:—

(a) five representatives of the employees of the Corporation elected in accordance with the provisions of rule 14A;

(b) three representatives elected to the provisions of rule 14B; and

(c) not more than five representatives of the Corporation to be nominated by the Corporation.

14A. Election of employees representatives.—(1) The five representatives of the employees shall be elected in the following manner:—

(a) The employees employed in each office under the zonal office shall elect by secret ballot one representative for every one hundred of such employees or part thereof exceeding twenty:

Provided that where the number of such employees is twenty or less, such employees shall be entitled to elect one representative.

*Explanation.—*For the purposes of this clause 'employees' means employees who are workmen as defined in the Industrial Disputes Act, 1947 or employees employed as inspectors.

(b) The representatives elected under clause (a) shall elect by

secret ballot, five persons for appointment to the Employees and Agents Relations Committee.

(2) No person who is not an employee of the Corporation, shall be entitled to be elected as a representative under clause (a) of sub-rule (1) or for appointment to the Employees and Agents Committee under clause (b) of sub-rule (1) unless he is a member of a trade union of any section of employees under the zonal office.

14B. Election of agents' representatives.—(1) The three representatives of the agents shall be elected in the following manner:

(a) The agents shall elect by secret ballot one representative for every thirty agents or part thereof exceeding fourteen, operating in areas covered by each divisional office under the zonal office in such manner as the Corporation may determine.

(b) The representatives elected under clause (a) shall elect by secret ballot three representatives for appointment to the Employees and Agents Relations Committee.

(2) No person who is not an agent shall be entitled to be elected as a representative under clause (a) of sub-rule (1) or for appointment to the Employees and Agents Relations Committee under clause (b) of sub-rule (1) unless he is a member of any association, the objects of which include the promotion of the interest and welfare of agents and of which agents are entitled to be members.

*14C. Election of Chairman of the Employees and Agents Relations Committee.—*The persons constituting the Employees and Agents Committee shall elect one amongst themselves as Chairman of the said Committee.

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

[Shri Sadhan Gupta]

(2) This House resolves that in pursuance of sub-section (3) of section 48 of the Life Insurance Corporation Act, 1956, the following proviso be added to rule 14 of the Life Insurance Corporation Rules, 1956, laid on the Table on the 20th November, 1956:

"Provided that the representatives of employees shall not be nominated without previous consultation with the trade unions, if any, of the employees under the zonal office.

Explanation.—For the purposes of this rule, where there is a federation of trade unions of any section of the employees under the zonal office, 'trade unions' in relation to such section shall mean such federation."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(3) This House resolves that in pursuance of sub-section (3) of section 48 of the Life Insurance Corporation Act, 1956, the following clause be inserted after clause (b) of rule 17 of the Life Insurance Corporation Rules, 1956, laid on the Table on the 20th November, 1956:

"(bb) the total lapse of business—

(i) between zero to one year;

(ii) between zero to two years;
and

(iii) between zero to three years;"

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

(4) This House resolves that in pursuance of sub-section (3) of section 48 of the Life Insurance Corporation Act, 1956, the following clause be substituted for clause (d) of rule 17 of the Life Insurance Corporation Rules, 1956, laid on the Table on the 20th November, 1956:

"(d) the nature of investment showing separately—

(i) the nature and amount of investment in the public sector;

(ii) the nature and amount of investment in the private sector; and

(iii) where any investment of one lakh of rupees or more has been made in any individual concern or in concerns belonging to or controlled by one group of individuals, the name of such concerns and the nature and amount of investment made therein; and"

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

Mr. Speaker: These motions are before the House.

Shri S. C. Samanta: During the discussion of the Life Insurance Corporation Bill, I proposed that the Head Office of the Corporation should be situated at Bombay and Calcutta. But this proposition was not accepted.

We all know that insurance work is spread over the country and the greatest concentration is in Bombay and Calcutta. Now that it has been centralised and the Head Office is situated in Bombay, other parts of the country require encouragement from the central body. So my simple proposition is that the meetings of the Corporation and certain of its Committees should be held in Calcutta also. I think there will be no difficulty on the part of Government to arrange the same, as there are zonal offices at Calcutta also. This is a most simple proposition and I hope Government will accept it.

Shri Sadhan Gupta: I have moved Motions Nos. 2, 3, 4 and 5. My Motions Nos. 2 and 3 relate to rule 14 and Nos. 4 and 5 relate to rule 17. Rule 14 relates to the constitution of the Employees and Agents Relations Committees and rule 17 relates to the preparation of the annual report of the working of the Corporation.

The first two Motions are of vital importance to the insurance employees and to the insurance agents and the last two Motions are of importance to the country as a whole. Of course, all the Motions are of importance to the country as a whole, because the policy adopted towards the employees is as much of interest to the country as a whole as the policy adopted in regard to investment, for instance, incorporated in the annual report.

12-18 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The first two are of particular interest to insurance employees whether in the offices or in the field, and to insurance agents also. When the Life Insurance Corporation Bill was under discussion, I had put in a plea for adopting the elective system for employees' representation. It was, as far as I remember, said at that time that the system to be adopted would have to be prescribed by rules and it could not be formulated in the Act itself. Now rules have been formulated for constituting Employees and Agents Relations Committees in the various zones, and it is astonishing to see that rule 14 simply states that the representatives of the employees and agents will be nominated by the Corporation.

Now, we all know that we appeal to be pledged to associating the workers with the management of industry. That is our profession—association of workers with the management of industry. That, of course, has not been done. Whenever that question is raised, it is said that it is being considered. For about three years, that is the answer that has been given. But what I want to emphasise here is that this is a question not relating to the management of the industry, but it is a question relating to the employees themselves, the representation of the employees themselves on a committee which will go into the mutual differences and settle mutual differences and adopt measures to secure amity and good relations between the Corporation and the employees. On such a

body, is it fair to give the Corporation an arbitrary power to nominate the employees' and agents' representatives? It is a self-evident fact that the representatives of the employees and agents can best be chosen by the employees and agents themselves, and not by the Corporation. The Corporation cannot say who will protect the interests of the employees and the agents. It is absurd for the Corporation to claim that it has the privilege and far less it has the ability to select the representatives of employees and agents. Therefore, I have suggested by my amendment, No. 2, to Rule 14, the most rational system that could be adopted for securing the representation of the employees and agents.

Instead of nomination, what I have sought to introduce is the elective system. I will advance no other plea for the elective system except the plea of democracy. After all, we are all pledged to industrial democracy. It is elementary democracy in industry that the affairs of the employees at least must be managed by the employees themselves and not be determined for them by their employers. It is the height of autocracy to say that the employer will determine who will represent the employees and agents in the Employees and Agents Relations Committee.

Apart from questions of principle, unless the employees' and agents' representatives enjoy the confidence of the employees and agents themselves, however much the Corporation may nominate them, however, much they may try to establish amity and good relationship between the employees and the Corporation, they would simply be rejected by the employees; they will cut no ice at all. They will not succeed in securing any amity or good relationship. On the other hand, their nomination itself will create bad blood between the Corporation and its employees. Therefore, I strongly plead that the employees' and agents' representatives on the Employees and Agents Relations Committees in each zone should be elected by the

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[Shri Sadhan Gupta]

interests concerned and should not be foisted upon the employees or agents, as the case may be, by the arbitrary decree, as it were, of the Corporation.

I have suggested, instead of Rule 14, 4 rules. The first, which is a substitute for Rule 14, says:

"The Corporation shall constitute for each zonal office an Employees and Agents Relations Committee consisting of:—

(a) five representatives of the employees of the Corporation elected in accordance with the provisions of rule 14A;

(b) three representatives elected by the agents according to the provisions of rule 14B;

(c) not more than five representatives of the Corporation to be nominated by the Corporation."

This rule 14 adopts the natural basis that the employees' and agents' representatives on the committees should be elected by the interests concerned. In the two following rules, which I have numbered as 14A and 14B, I have provided for the procedure of elections, a procedure which, as I shall show, is absolutely a feasible procedure; and, what is more, the strongest recommendation for it is that it is a very democratic procedure, the most democratic procedure that is possible under the circumstances. Rule 14A reads like this:

"(1) The five representatives of the employees shall be elected in the following manner:—

(a) The employees employed in each office under the zonal office shall elect by secret ballot one representative for every one hundred of such employees or part thereof exceeding twenty.

Provided that where the number of such employees is twenty or less, such employees shall be entitled to elect one representative.

Explanation.—For the purposes of this clause 'employees' means employees who are workmen as defined in the Industrial Disputes Act, 1947 or employees employed as inspectors.

(b) The representatives elected under clause (a) shall elect by secret ballot, five persons for appointment to the Employees and Agents Relations Committee.

(2) No person who is not an employee of the Corporation, shall be entitled to be elected as a representative under clause (a) of sub-rule (1) or for appointment to the Employees and Agents Relations Committee under clause (b) of sub-rule (1) unless he is a member of a trade union of any section of employees under the zonal office."

This rule presupposes indirect election because there are about 21,000 or so employees and you cannot make all the 21,000 persons elect 5 representatives directly. What I have suggested is that in each office where there are more than 100 employees, 100 employees or part of 100 employees exceeding 20 will elect one representative and where there are less than 20, they will elect one. These representatives who are elected will elect 5 representatives in each zone. If there are say, 4,000 or 5,000 employees in a zone, they will elect 40 or 50 representatives and these representatives will congregate together and elect 5 of them.

I have also given a protection against spurious people getting into the Employees and Agents Relations Committee by providing that they must either be employees or, if they are not employees, they must be members of trade unions of employees or of trade unions which look to the interests and welfare of the agents. For example, there may be a union comprising agents and other field workers like inspectors and so on. Therefore, only genuine trade unionists must be able to get into the Employees and Agents Relations Committee.

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Then, the next rule, 14B, deals with the representation of agents. The scheme is similar. It says:

"(1) The three representatives of the agents shall be elected in the following manner:—

(a) The agents shall elect by secret ballot one representative for every thirty agents or part thereof exceeding fourteen, operating in areas covered by each divisional office under the zonal office in such manner as the Corporation may determine.

"(b) The representatives elected under clause (a) shall elect by secret ballot three representatives for appointment to the Employees and Agents Relations Committee.

(2) No person who is not an agent shall be entitled to be elected as a representative under clause (a) of sub-rule (1) or for appointment to the Employees and Agents Relations Committee under clause (b) of sub-rule (1) unless he is a member of any association, the objects of which include the promotion of the interest and welfare of agents and of which agents are entitled to be members."

That is a similar provision in regard to agents. This provision has the import that it provides for democratic representation of both the employees and agents and it will thereby promote a healthy growth of trade unionism in the industry. Secondly, it is a very feasible proposition, because it is not difficult to arrange small elections in offices. It is often being done. You know that factories which employ thousands of workers have their works committee's elections. So, the Corporation should be able to do it without any difficulty, and the result will be that the Corporation will have on the Employees and Agents Relations Committee persons who can really deliver the goods on behalf of the employees. On the other hand, if such persons are not taken in, the result will be that they will not command the confidence of the employees and even if they do something which is apparently good,

they will be suspected, and there will be perpetual strife between the Corporation and the employees. Instead of what the hon. Finance Minister stated, about our party keeping the employees' agitation going and growing, I can say that it is our party as also the employees who were the strongest advocates of the nationalization of the life insurance business and therefore, we want to see it a success, and we do not want it to go to bits through strife between the Corporation and its employees. Therefore, I suggest that this modification of mine should be accepted by the Government.

The last part of this amendment is the one which I introduce in rule 14C, which provides for the appointment of a Chairman. It says that the Chairman of the Committee should be elected by the members of the Committee. That is quite simple. I need say no more to commend this amendment of mine and I would like this amendment to be adopted, but in case, Government remains hard-headed or will not accept the amendments, which I suggest, the amendments embodying the elective principle, I have sought to provide as a second best alternative, the procedure of consultation with the employees before the nomination. I am entirely opposed to nomination; I must make it clear that I am entirely opposed to nomination of employees' representatives; nomination has no sense; has no reason; and it is unethical, if I may put it strongly. If you must have nomination, please do not hesitate to consult the employees before you nominate their representatives. It has often happened, in many industries even in the public sector; it has happened in the Calcutta Port; it has happened in other places that people have been nominated without consultation and such people have been nominated as do not enjoy the confidence of the employees at all.

Therefore, by my amendment No. 3 I have sought to add a proviso to the existing rule 14 to this effect:

"Provided that the representatives of employees shall not be nominated without previous consul-

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[Shri Sadhan Gupta]

tation with the trade unions, if any, of the employees under the zonal office.

Explanation.—For the purposes of this rule, where there is a federation of trade unions of any section of the employees under the zonal office, 'trade unions' in relation to such section shall mean such federation."

You know that the trade union organisation in the zones differs. In some zones, there is an unitary organization; for instance, in the Delhi zone—North zone—here is an unitary organization. All insurance employees within the zone, that is to say office employees are entitled to become members of one association, the North Zone Employees Association, and I think in the case of most other zones, there is a Federation of Trade Unions, covering each division and they federate into the zonal units. Then in the case of the office employees, there is the Federation known as the All India Insurance Employees Union. I have sought to provide that where there is a Federation of any Section, consultation with such Federation would be enough; otherwise, individual trade unions would have to be consulted. For example, in the case of the field staff, there are many trade unions; they have not yet been so well-organized as to federate on an all-India level; there are many all-India field workers' unions, I understand and they are making an earnest effort to federate themselves, but till that time comes, the trade unions that represent the field workers' interests in a particular zone must be consulted and the representatives of the field workers on the Employees and Agents Relations Committee must be nominated in consultation with them. Similarly, in nominating the representatives of the agents, the trade unions, which cater for the needs of the agents of which the agents are entitled to be members or are members, should be consulted in nominating the representatives of the agents. I must make it clear again that I am not at all happy in suggesting this procedure of

consultation because I abhor the system of nomination altogether, but I am suggesting this only in case my very reasonable modifications about the elective principle are not accepted by the Government, this is certainly the second best, though a very much inferior second.

I now come to my last two amendments relating to rule 17. They relate to the preparation of the annual reports and prescribe what would be its contents. Many things are mentioned, but one thing that is not mentioned, and which is absolutely necessary in order to judge the success or otherwise of the Corporation's activities is the total lapse of business. The new business figures are required to be included in the annual report. The total business in force is required to be included in the annual report, but the lapse of business is not required to be included in the annual report. Now, you know that when insurance was under the private sector, it was notorious that although new business figures looked very huge, the lapse was no less significant. The result was that although a lot of new business came, most of it lapsed and it showed that the apparent new business figures were not the kind of figures that we have to expect. The Corporation today has adopted certain procedures, certain modifications, which smack of the "private days", for example, in the case of the field staff, they have adopted the contract basis of conditions of service, that is to say, they are going to fix the emoluments of the field staff with reference to their quota, with reference to the business they can secure, for instance, whether an inspector can get Rs. 2 lakhs or Rs. 4 lakhs or Rs. 20 lakhs and so forth and their emoluments would be decided according to it.

The danger in this is that this kind of insistence on quota would mean that business of an inferior kind may be brought in in order to show big output. The result will be that a large part of such business may lapse before the year is out or after one

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year or two or three years. It is necessary to tell the public and in particular to tell the Parliament as to how much of this new business has lapsed. The annual report has to be placed before Parliament and Parliament is to have an opportunity of discussing the working of the Corporation. How can it be discussed unless it knows what quality of business is being secured. It is not enough to say that Rs. 60 or Rs. 80 or Rs. 100 crores have been secured in the course of a year, if it is found that before the year is out, Rs. 99 crores go out of existence, Rs. 50 lakhs in another six months and in the course of the next three years, the entire business goes out of existence. This is nothing at all. If that is not shown, the new business figures will completely mislead the country. Therefore, I have sought to provide that the total lapse of a business from a year to three years should be shown.

My amendment No. 5 relates to an equally important matter which is of vital significance to the economy of the country, namely, investments made by the Corporation. It is not provided in the rules as to how the investments are to be shown. A great controversy arose during the discussion on the Life Insurance Corporation Bill as regards the desirability of guaranteeing investment in the private sector—that is to say, guaranteeing the proportion of investments in the private sector as at present. At that time we contended that the private sector must come in the matter of investment according to its relative economic priority in relation to the Plan and that the private sector should not be allowed to claim a share of the investment just because it is the private sector but it should be allowed to claim a share of the investment because the sector in which it operates is of importance to the economic development of the country. That is the contention we raised.

The country needs to know through the annual report the nature and the

amount of investment in the public sector and in the private sector. Even if the proportion is maintained the country has a right to know in what manner that proportion of investment is being distributed in the private sector. Is it going, for instance, to a few individual monopolists or is it going to advance the economic development of the country by promoting those industries in the private sector which are essential for our economic development according to the policy of our Plan. It may be that a large part of the Life Insurance Corporation funds goes to the advantage of certain monopolists. I will not name these monopolists; they are well known. Our apprehensions are heightened by the fact that in the Corporation itself, at various levels, persons who had served those monopolies in the insurance companies, today hold quite influential and key positions. Under those circumstances, we have to keep a watch whether those previous links are still operating and whether through the operation of those previous links and connections, the public funds of the Corporation and the policyholders' money are being given to certain monopolists. Therefore, I have provided two more clauses at the end of rule 17:

“(d) the nature of investment showing separately—

(i) the nature and amount of investment in the public sector;

(ii) the nature and amount of investment in the private sector; and

(iii) where any investment of one lakh of rupees or more has been made in any individual concern or in concerns belonging to or controlled by one group of individuals, the name of such concerns and the nature and amount of investment made therein; and

This is very important and this will substitute clause (d) which relates to the nature of investment. More informative details will be given as regards the nature and amount of

[Shri Sadhan Gupta]

those investments to show how much is going to the private sector and how much to the public sector and to which people the investments in the private sector are going and if the amounts of investments are substantial, the names of the people who have benefited by these investments will have to be given. This is necessary in order to make the country watch over the functions of the Corporation and if the Corporation wants to take the country into confidence. There is nothing secret about these matters. I do not see why this modification also cannot be adopted. Therefore, I strongly recommend the modifications proposed.

Shri Gidwani (Thana): Sir, I had put a question about the appointment of medical examiners in Bombay for the nationalised insurance companies. I have got a reply today that the question has been disallowed on the ground that the rules are being discussed today. It is, therefore, that I have got up to say a few words.

Allegations have been made that a number of Bombay's medical practitioners have been deprived of the opportunities to act as medical examiners for the nationalised insurance companies. It is further stated that some of them had no proper qualification for the purpose. I will quote from a paper in which these allegations were made so that the hon. Minister may be in a position to reply to these allegations.

"Deep disappointment and bitterness prevail among a large number of the city's medical practitioners who have been deprived of the opportunity to act as medical examiners for the nationalised insurance companies.

It is said that the basis on which the new appointments of a few favourites have been made is not known. However, certain facts emerge which tell a queer tale

and need to be brought into the limelight of public opinion.

1. Medical examiners of three large companies have been given priority;

2. Licentiatees have been deliberately excluded;

3. Medical examiners of less than ten years' standing have been debarred;

4. Favouritism is apparent in the selections made; a pathologist who does not examine anything but blood, urine, stool or sputum is made a referee, so also is a E.N.T. surgeon and a gynaecologist;

5. Dentists have been appointed as examiners. One dentist, an M.B.B.S. has not practised as medical practitioner, but has been given a limit of Rs. 50,000."

Of nearly 2,500 medical examiners in Bombay, only 800 were sent application forms and only about 170 have so far been appointed. Doctors practising in Fort area have been given assignments to cover Girgaum and Parel areas after depriving the medical examiners of those areas of their posts.

It is pointed out that while the nationalisation bill was moved in the Lok Sabha it was stated that no person in the employment of life insurance companies would suffer nor his services would be discontinued. The present Finance Minister, Mr. T. T. Krishnamachari, has repeated this assurance.

It is suggested that the Indian Medical Association, the premier medical organisation with a membership of over 18,000, should have been consulted before the principles of appointments under nationalised life insurance were laid down. Even now it is not too late to put right the "injustice" done to those who served life insurance in all these decades

of its growth and prosperity, it is said."

About this matter it would have been better if I had been supplied with a reply so that I would have been in a position to say something on this matter. Now I leave it to the hon. Minister to refute these allegations, if there is any substance in them, or make such modifications as may be necessary to redress the grievances, if they are genuine.

Besides that, with regard to general appointments also, Members have been receiving numerous complaints. I do not know whether the hon. Minister has found time to go into all those allegations that are being made. But we want that this nationalised life insurance scheme should succeed, and for that, there should be no discontent amongst the people who are to work it. After all, we are making new experiments, and we should make those experiments successful so that it may not be said that while we talk of nationalisation of so many things, we are not successful even in the few things we have taken up.

With these words I conclude my speech, but I would earnestly appeal to the hon. Minister not to allow these grievances to grow, not to allow discontent to grow but to see that every legitimate grievance is removed, that our work proceeds successfully and that we are more successful than private agencies.

श्री राधा रमण (दिल्ली नगर) :
उपाध्यक्ष महोदय, लाइफ इंश्योरेंस निगम के सम्बन्ध में जो कानून या कायदे सदन के सामने रखे गये हैं, उन में दो, चार बातों पर मैं अपने विचार रखना चाहता हूँ।

मैं यह देखता हूँ कि जिस समय हम ने इस निगम की स्वीकार किया था उस समय देश में बीमा के काम करने वाले लोगों ने इसे बहुत उत्साहपूर्वक स्वीकार किया था

और उन सब का यह विचार था कि इस निगम के बनने से बहुत सारी बुराइयाँ जो जीवन बीमा के सम्बन्ध में देश में फैलने को मिलती हैं वे दूर होंगी और विशेष कर जो इस में काम करने वाले हैं उन को अधिक सुविधायें और आशानियाँ मिलेंगी। कुछ दिनों तक हालत ऐसी ही रही कि आशा में वे लोग पड़े रहे फिर अहिस्ता अहिस्ता कुछ कायदे कानून बने और उन कायदों के अनुसार जो काम करने वाले थे और जिन में कार्यकर्ता भी, ऐसे अफसरान भी कि जो बीमे के व्यापार में बहुत धर्म से लगे हुए थे। उन में निराशा और असन्तोष बढ़ने लगा। मैं यह देखता हूँ कि लगभग इन दस या ग्यारह महीनों के आचार पर इस समय इस निगम के कार्य से बहुत कम लोग खूब हैं और असन्तोष बढ़ता जाता है, विशेष कर उन एजेंटों में और उन इंस्पेक्टरों में, कि जिन के ऊपर बहुत कुछ इस निगम की सफलता का आधार है और उन लोगों में भी कि जो मुलाजिम हैं, जो अलग अलग कम्पनियों से मुलाजमत करते हुए अब इस निगम के मातहत मुलाजिम बन रहे हैं, उन में भी असन्तोष बढ़ता जाता है। हमारी सब की यह इच्छा है और यह मुनासिब भी है कि यह कार्य जो देश ने उठाया है, एक बहुत जरूरी और अच्छा कार्य है। इस में जितना भी हम सन्तोष (सब्र) लोगों को दिला सकें वह दिलायें और इस खयाल से हमें अपने कार्य को चलाना है। कारपोरेशन यानी निगम के उम्रों में यह सिद्धान्त हम लोगों ने स्वीकार किया था कि इन एजेंटों और मुलाजिमों के कार्य करने की गतिविधि और उस में एक सामंजस्य यानी मेल मिलाप रखने के लिये एक कमेटी बनेगी जोकि सावदेशिक होगी और फिर उस के मातहत सम्भवतः यह भी विचार था कि हर जोन में एक ऐसी कमेटी बनेगी। उस कमेटी का कार्य यही होगा कि जो इस प्रकार के आपस के झगड़े हों या आपस की शिकायतें हों, उन को दूर किया जाय

[श्री राधा रमण]

और उन में एक किस्म का मामूली या एक किस्म का अच्छा रिश्ता कायम रखना चाय। मैं देखता हूँ कि उस कमेटी के रूप रेखा के बारे में आज हमारे देश में बहुत काफ़ी असन्तोष है। सरकार का यह खयाल है कि ऐसी कमेटी बनाई जाये और उन कमेटियों में जो मुलाजिम लोग हों या जो एजेंट या इंस्पेक्टर के तौर पर काम करते हैं, उन लोगों को जो नुमायन्दगी दी जाये वह सीधी कारपोरेशन की तरफ़ में दी जाय। अर्थात् इस के सदस्य नामजद किये जायें।

इन लोगों की मांग यह है कि उन में उन के चुने हुए नुमायन्दे आने चाहियें। मैं यह समझता हूँ कि अगर हम इन कमेटियों पर मुलाजिमों के नुमायन्दों को या एजेंटों के नुमायन्दों को बराहें रास्त यानी नामजदगी के जरिये से लेंगे तो असन्तोष बढ़ेगा और अगर हम इस बात को स्वीकार कर लें कि उन में उन के नुमायन्दे चुनाव से आये चाहें वह डाइरेक्ट हो चाहें इंडाउरेक्ट तो उस सूरत में मैं यह समझता हूँ कि असन्तोष कम होगा और उन लोगों को शिकायत करने का मौका नहीं मिलेगा। मेरी राय तो इस सिलसिले में यही है और मैं मंत्री महोदय से यह प्रार्थना करूंगा कि हम की जो रूपरेखा वह बनाये या एजेंट्स और एम्प्लाइज की रिलेशनस कमेटी का जो निर्माण करें उस में इस बात का ध्यान रखें और यह नियम रखें कि उस में एलेक्टिव एलिमेंट हो, नामजदगी न हो। हो सकता है कि उस कमेटी के बनाने में जो उस की संख्या है उस में कुछ लोग नामजदगी में रखे जायें और कुछ लोग चुनाव से आयें। शुरू शुरू में अगर नामजदगी आप को पसन्द है और चुनाव आप को नापसन्द है या आप यह समझते हैं कि शायद इस तरीके से काम ठीक नहीं चलेगा तो आप उस में ऐसा भी कर सकते हैं कि फ़िफ़्टी फ़िफ़्टी

परसेंट कर दें या कोई और अनुपात मुकर्रर कर दें कि इतनी संख्या में नामजदगी से लोग आयेंगे और इतनी संख्या में चुनाव से लोग लिये जायेंगे और इस प्रकार से आप दोनों तरीके चला सकते हैं। मुझे यह आशा है कि मंत्री महोदय इस विषय पर विचार करेंगे और अपनी राय इस के मुताबिक़ अगर वह इसे मंजूर करे तो जाहिर करेंगे।

दूसरे इस में १७ नम्बर का एक क्लस है और निगम की रिपोर्ट सालाना पेश करने की बात रखी गई है। इस में पांच विवरण भी दिये हैं कि जिन के मुताबिक़ वह रिपोर्ट सामने रखी जायें। मैं इस बात को जरूरी समझता हूँ कि अगर हमें इस प्रकार की रिपोर्ट द्वारा इंग्लैंड तक पहुंचना है कि हमने इस निगम के जरिये देश का लाभ किया या जो पहले बरी प्रवृत्तियां इस में थीं उन को कहां तक रोका है तो हमें दो चीजें और उस में शामिल करनी चाहियें।

13 hrs.

जहां हम ने १०० बी०, सी०, डी० और ई० बातें रखी हैं वहां एक बात यह जोड़ दी जानी चाहिये, यानी जो बिजनेस एक दफ़ा करने के बाद, एक, दो या तीन प्रीमियम देने के बाद, बन्द हो जाता है, या पालिसी धागे नहीं चलती, ऐसी लैप्ड पालिसीज का विवरण भी दर्ज करना चाहिये। अभी हमारे मित्र माननीय साधन गुप्त ने भी इस विषय में चर्चा की थी। मैं उन की इस राय से इत्फाक करता हूँ कि हमें असली हालत का पता नहीं चल सकता जब तक हम इन तमाम बातों के साथ साथ यह न जानें कि साल भर में निगम ने कितना बिजनेस चलाने लगा इलाकों में किया और उस में से कितना बिजनेस ऐसा था जोकि एक या दो क्वार्टरली प्रीमियम देने के बाद बन्द हो गया। ऐसा भी होता है कि पालिसी माहवार किस्तों की होती है और वह पालिसीज तीन चार किस्तों से

कर, या छः किस्ते दे कर बन्द हो जाती है। मैं समझता हूँ कि अगर हम निगम के कार्यक्रम को अच्छी तरह से जानना चाहते हैं कि उस नें कितनी सफलतापूर्वक काम किया, तो हमें इस धारा को जरूर जोड़ना चाहिये। हम को बताया जाना चाहिये कि निगम ने भलग भलग इलाकों में कितना नया बिजनेस हासिल किया और उस में से कितना बिजनेस जारी है और कितना बन्द हो गया। इस रिपोर्ट से हम यह तो पता लगा सकेंगे कि अब सारे देश के भन्दर निगम का कितना बिजनेस चल रहा है लेकिन हमारे लिये यह जानना बहुत जरूरी है कि नये बिजनेस यानि वार्षिक बिजनेस में से कितना चल रहा है, और यह झाँकड़े में इस रिपोर्ट में ही मिल सकेंगे।

एक बात मैं ने उस समय भी कही थी जब कि इस निगम के मसले पर विचार हो रहा था, और वह यह है कि हमें इस बात का पता भी जरूर लगना चाहिये, कम से कम रिपोर्ट में, कि जितना भी बिजनेस निगम ने किया है सारे देश के भलग भलग हिस्सों में, ध्राया उस पर कितना टोटल खर्च हुआ। कितनी ध्रामदनी के ध्रगेंस्ट कितना खर्च ध्राया। यानी ध्रगर १०० रु० की किस्ते ध्राई हैं तो उस पर कुल १०० रु० खर्च हो गया या कम या कि ज्यादा खर्च हुआ। यह चीज जाननी बहुत जरूरी है कि इस समय जो बीमे का कार्य हो रहा है, जिस में हम ने खर्च को घटाने की बात कही है, उस में खर्च बढ़ा तो नहीं है, क्योंकि सरकार ने जो यह काम किया है वह इस दृष्टि से नहीं किया है कि खर्च बहुत बढ़ जायें। ध्रगर खर्च बढ़ कर कुछ बिजनेस ज्यादा भी ध्राय जाय तो यह कोई बहुत उभ्रति की बात नहीं कही जायगी। हमारी इच्छा है कि यह सारे झाँकड़े हमारे सामने रहें, हम उन की देखते रहें और हमें यह पता चलता जाय कि जो नया बिजनेस होता है वह पुरानी व्यवस्था के अनुसार

कम खर्च पर चलता है या कि खर्च बढ़ रहा है।

मैं ध्राशा करता हूँ कि जो मैं ने १७ क्ल के बारे में दो तीन बातें कहीं हैं ध्राप उन को जोड़ने की स्वाहिश रखेंगे और उन को स्वीकार करेंगे।

एक बात जो मैं ध्रज करना चाहता हूँ वह यह कि इस समय इस सम्बन्ध में हमें बहुत सारी शिकायतें मिल रही हैं कि जो मुनाजिम या जो कार्यकर्ता एक इलाके के भन्दर काम कर रहे हैं, और जिन का उस इलाके के लोगों पर भ्रसर है, जिन्होंने वहां पर एक फील्ड बना लिया है और बिजनेस कर रहे हैं, वहां से उन को छोटी छोटी बातों पर हटा कर इधर उधर कर दिया जाता है। मैं समझता हूँ कि शायद यह तरीका बहुत कारगर नहीं होगा, बल्कि इस से हमारी कठिनाइयां बहुत बढ़ जायेंगी। मेरी ध्रपनी राय यह है कि अब तक बीमा का बहुत सा व्यापार व्यक्तिगत भ्रसर के ऊपर चलता रहा है। ध्रभी तक बीमा की ध्रावश्यकता का एहसास या बीमे की स्वाहिश लोगों के भन्दर इतनी नहीं है कि वह खुद बीमा करवा लें, ध्रभी तो लोग ध्रपना भ्रसर इस्तेमाल कर के लोगों से बीमे लेते रहे हैं। ध्रगर हम यह चाहते हैं कि हमारा बिजनेस बढ़े और तरक्की करे और हम बीमे का प्रचार और प्रसार ज्यादा कर सकें तो इस बात की बहुत ध्रावश्यकता है कि इस काम में जितने भी ध्रादमी काम करते हैं, उन का जहां पर भ्रसर हो वहां से उन को हटाने की चेष्टा न करें। क्योंकि ऐसा करने से लाजिमी तौर से बिजनेस पर भ्रसर पड़ेगा और नतीजा यह होगा कि जितने खर्च में एक बिजनेस कोई ध्रादमी देता था वह खर्च बढ़ जायेगा। इस सम्बन्ध में एक राय पहले बन जानी चाहिए कि जो लोग जिस इलाके में काम करते रहे हैं जिन्होंने वही से अच्छा बिजनेस दिया है और कुछ सफलता प्राप्त

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[श्री राधा रमण]

की है, उन को वहाँ से इधर उधर न किया जाए। और अगर हटाने की जरूरत ही पड़ जाए तो वह बहुत छान बीन के बाद किया जाए।

मैं इन दो तीन बातों को सामने रखते हुए आशा करता हूँ कि निगम का काम जो कि पहले साल होगा वह आशातीत होगा। उस को कुछ सफलता अवश्य प्राप्त होगी, और जब हम उस पर विचार करेंगे तो हमें यह खुशी होगी कि हम ने अपने देश में बहुत बड़ा काम किया है जिस के कारण हम देशवासियों का बहुत कुछ लाभ कर सकते हैं तथा अपने मुल्क की भी कुछ लिदमत कर सकते हैं। इन शब्दों के साथ मैं इन नियमों का समर्थन करता हूँ।

Shrimati Sushama Sen (Bhagalpur South): I was on the Select Committee which went into the Life Insurance Corporation Bill and we brought up several amendments so that the workers and the employees should not suffer in any way. The hon. Minister gave us an assurance also on the floor of the House that he would see to it that no worker or employee suffers in anyway. But now, we hear many complaints in this direction. I would request the hon. Minister to see that he keeps his word and that he would see that the workers and the employees do not suffer.

The field workers and the agents have really got headaches, now, it seems, and they have a lot of complaints saying that they are not being treated well, though they were promised that they would be treated well. So, I would earnestly request the Minister to see that justice is done. After nationalisation of life insurance, the Life Insurance Corporation, together with life insurance business, has grown to be a big organisation whose potentiality of further growth is almost beyond imagination. This nationalised insurance scheme should succeed, and it is in the interests of all concerned that

proper steps are taken, so that there is no grievance on this account and that the workers and the employees may do full justice to their work and not suffer on any account. With these words, I welcome the motion made.

Shri M. S. Gurupadaswamy (Mysore): I have nothing very much to add to the points made by my hon. friend Shri Sadhan Gupta. But I rose to draw the attention of the Finance Minister to one serious trouble that is growing in the nationalised insurance business. Rules have been framed, but they have not been framed after consultation with the employees. That is rather unfortunate. We expected that the Life Insurance Corporation of India would make a good start and we hoped that when life insurance was nationalised, the Government would take the sincere and loyal co-operation of all the employees working in the life insurance field. Promise was also made on the floor of the House by the previous Finance Minister that no decision which would affect the interests of the employees adversely would be taken and that there would be no arbitrary decision in this matter. These promises have not been fulfilled. Only the Minister fed these employees by the opium of these promises. Those employees are now facing a grim reality of distress.

About the rules, my first charge is that they have not been made after due consultation with the employees concerned. Secondly, they have overlooked the democratic principle, which is very fundamental in a nationalised concern. After all, the whole country will look up to the working of the nationalised institutions, as models of management. Unfortunately, the working of the Nationalised Life Insurance Corporation for the last few months has not been very satisfactory; it has been very very disappointing. The hon. Finance Minister, Shri T. T. Krishnamachari, in reply to a question on the floor of

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the House sometime back said in regard to the fall of business:

"It is likely that the business of the Life Insurance Corporation will be affected adversely because of a certain amount of indiscipline engendered by the agitation of the staff over the scales of pay."

You must judge the veracity of this statement. If you take any trouble to go through the difficulties that the staff, particularly field staff, are going through, you will surely pin the responsibility for this low level of business on the Government. The terms and conditions of the field staff are very unsatisfactory and they have to work without pay. The field staff—the agents—are the sellers of security and these sellers of security have themselves, been denied security by the decision of the Government. They are not paid salaries. They have to earn their livelihood by canvassing business. The Government has already sabotaged the morale of the field staff. Previously they used to turn out huge amount of business. Now, some of them have been absorbed into the staff of the Corporation and some have been left out and denied security. Those who have been taken into the staff of the Corporation are secure, but the rest are in a state of insecurity. In their cases, the terms and conditions which have been evolved by the Corporation, have not been very helpful to the employees. It will not enthruse them. There is no sufficient incentive for these people to work.

Secondly, I submit that the Corporation itself is responsible for this fall in business. In many offices forms are not available for the agents to canvass business. Many offices are idle and the officers there are just drawing their salaries. It is not their fault; the Corporation has not been able to give them the necessary facilities. The procedure is very cumbersome. Forms and other conveniences have not been given to the officers. So, naturally, the business has fallen down.

We created the Corporation for making it autonomous. Unfortunately, I must say, the very purpose is sabotaged and defeated by too much interference by the Government which is undesirable. If it is desirable interference, we welcome it. If there is anything wrong in the Corporation, then certainly the Government, should interfere. But unfortunately, at every step, even for minor details, the Corporation is taking the advice of the Government. Without the advice of the Government, the Corporation does not function. We do not think this was contemplated when we created the Corporation. We want the Corporation to be autonomous. But at the same time, we do not say that Government should sit quiet. Interference should however be of a desirable type with a view to help the Corporation to do business and with a view to make it more efficient. Now there are anomalies and anomalies in the working of the Corporation. There is no use blaming the field staff or other employees for the lower standard of business. I beg of the Finance Minister to allow the field staff to have salaries and not to allow these emoluments to be dependent upon the business they do. Otherwise, as Mr. Sadhan Gupta pointed out, the result would be that the field staff will only go to the capitalists and the richer class, so that they may get more insurance business. They will not go to the lower middle-class or the poor class. The very purpose of life insurance is to distribute security to as wide an area as possible in the country. So, I would suggest that the field staff should be given salaries and other proper conditions of work.

I refer now to the elective principle. There is nothing like choosing people by election; elective principle is the best. But the Government is afraid of this idea. As a measure of compromise, I would suggest that the representatives must be chosen in consultation with the employees concerned. Without democratic consultation, any selection or choice would be regarded as an imposition. That is rather undesirable. We want the

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Corporation to work properly for the good of the country and most of our people should be benefited. There should not be any quarrel, wrangling, inefficiency or bureaucratic woodenness that we are finding today. We do not want such things. We want the Corporation to be more flexible. The interference and guidance of the Government should be of a salutary nature. Also, the Corporation officials should behave in a much more democratic way. There have been complaints about the Board of Directors, but I do not wish to go into that question, because that is not relevant to this occasion. I will only point out that there should be a fairer treatment of the employees. There should be more security of service to those who sell security. That is most fundamental.

I would conclude by saying that no useful purpose will be served if you put the blame on the employees for inefficiency. You must also have a share for inefficiency.

Shri Thanu Pillai (Tirunelveli): Mr. Deputy-Speaker, the Insurance Corporation rules do contain some provisions regarding appointment of Chairman and Members and Committees but nothing about officers and other employees. The hon. Member who spoke before me said that the Corporation is not functioning properly, that the insurance business is going down that the Government is interfering with the autonomous Corporation and that any interference should be of a healthy nature and not otherwise. My grievance is that the Government has left this Corporation entirely in the hands of some people who do not seem to understand the purpose of nationalisation at all. Nor has the Government cared to see how it is functioning after nationalisation. Perhaps, Government thinks that it is a small part of a big organisation and does not care much for this Corporation.

After the taking over of the administration of the Corporation, I do not know who framed the rules or whether any rules were framed at all

for the appointment of officers and other staff for the Corporation. The employment of the field staff, the various district officers and regional officers and the employment of the persons in the previous insurance companies were the subject-matter of discussion here by way of questions in this House. The hon. Finance Minister said, "I have not nationalised the insurance business to make first rate companies into third-rate companies." Obviously, he understood my question the other way and he did not want to accept certain charges. For that matter, the employees of one or two companies, each one of them, have found a place somewhere in the Corporation. The managers and staff of other companies who have done, not a small business, but good business, have been completely suppressed. I can quote instances. The Corporation officials, somebody high up, appointed the lower officials, branch managers, assistant managers, field officers, etc., and they did not know that the Government and the Parliament can interfere at all: another set of autonomous kings of that domain who think that they are mighty big and are not answerable to anybody on the face of the earth.

I will quote one instance. One officer of a particular company, who was a junior officer in the same city, was appointed as the district manager or divisional officer. There was such an uproar that a new division was created—it was not there at first—and that officer was posted to that new office. What is the criterion? They say, first-rate company. Popularly, insurance people speak, it is not nationalisation, it is Orientalisation of insurance business that is going on in this country. It may be said that the Oriental Insurance Co. was a first-rate company. I do not deny that. But, the officers and staff of the Oriental Insurance Co. were able to do big business by the name and fame of the big business that company had, not on their

intrinsic merit. If I were given a chance, I would say that the staff of the smaller companies and the newer companies who have done proportionately good business are better members of the staff than persons who had been working in such a forward company which had such a lot of business record and popularity. It is more difficult for an insurance man to propagate and canvass business for a new small company than in the case of a big company. That aspect of the question has not been taken into consideration at all. Branch managers, assistant managers, etc., have been selected on the record of work done. There have been good insurance agents and brokers. Why are they not given these appointments? Quite ordinary people who are not efficient have been appointed. If the Corporation is suffering in canvassing business, it is due to mis-handling in appointments and other matters connected with the branches and the field workers. In a district where a number of inspectors or chief agents were working by themselves, with no office, no paraphernalia, they were doing much better business than the present office of the Corporation. There is one Branch Manager, two assistant branch managers and three or four chaprasis and some clerks in a district. It is a big show with very little effect. Before nationalisation, the Railway staff used to say, "In another two or three months, we will become government servants; when we become government servants, you cannot question us like this." That is the attitude that has come into the Insurance Corporation also. The Insurance brokers who went about propagating these ideas and requesting the people to take up policies, now think that they have become monopoly officers of the district. People must go to them. They have started favouritism. They give information to somebody near and dear to them. What happens to others? They do not know what is happening at all.

This is a sorry state of affairs. The hon. Minister the other day said that

he would take up the cases when they are brought individually. Individual cases do not often come to us. They go elsewhere. They do not have the confidence that we on this side of the House can take up cases and fight for them. I shall give one instance now. The case is of the insurance man who was overlooked in appointment in the Madura office. The junior officer who was appointed over him was Mr. Bhatt and the leading insurance man overlooked was Mr. Newton. I do not know what has happened to Mr. Newton who was a first-class insurance canvasser. The new division was created at Udupi. I would like the hon. Minister to say whether Udupi division was already there or whether it was a new creation. Such propaganda is going on. We are answerable to the people. We would like to know whether such things have happened at all, whether any rules have been framed or directions given to the officers about the criteria by which the old insurance agents and staff of old insurance companies should be absorbed in the Corporation, whether the employees of the Oriental Insurance Company were to be given top priority and only those people should be provided and nobody else. I would like the hon. Minister to clarify all these points.

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): I thought that there will be a discussion on the rules before the House. Certain general questions have been raised. Members have asked for explanation.

The hon. Member who spoke last said that Udupi was recently made a new division. Perhaps, the hon. Member may be aware that before the starting of the Corporation on 1-9-56, I made a long statement here. Therein I had explained that there are 33 divisions. Udupi was there in those 33. He also mentioned two names, Mr. Bhatt and Mr. Newton. I do not know whether the hon. Member has sent me a letter. But, I have

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seen a letter from one of the Members of Parliament. I have already asked the Corporation to give me a reply on that point. But, it is very difficult for a Corporation to reply to such individual matters. Hon. Members are well aware that we have already appointed a special Committee with one retired I.C.S. officer with certain members to go into the question of seniority and other conditions of the officers who have been appointed. I have already informed the House that all these appointments are provisional and the moment the committee reports, the Corporation will take into consideration all their recommendations, and if there is any irregularity, it will be rectified. I repudiate the charge that there has been nepotism or favouritism or Orientalisation. As a matter of fact, we had to set up a corporation in a very short time. We wanted to have the corporation by 1st September, 1956 and therefore before the corporation could start its work, before the zonal offices, the divisional offices and the branch offices could start their work, we had to make arrangements from all those offices from where they were serving the insurers, and therefore we had made provisional arrangements. I have already mentioned that the committee will look into all these questions. It is an impartial committee. They have already started work, and possibly in a short time they will report. Therefore, I think it will not be proper, when once the Members are informed about this procedure, to charge the Corporation with favouritism or nepotism or anything of the sort.

With regard to the general question about the assurances given on the floor of this House, with regard to pay scales, service conditions and all those things, we stand by those assurances, and I can say that not a single employee has been adversely affected by what has been done by the Corporation.

Shri Sadhan Gupta: What about the pro-rata inspectors?

Shri M. C. Shah: Not a single employee has been adversely affected. I am in a position to assert and say that, but unfortunately, after nationalisation there has been some tendency to create troubles which could have been avoided and which can be avoided. We are always sympathetic towards the employees, interests. We are for the employees, and therefore whatever is necessary for the employees' interests we are prepared to do, but unnecessary agitation engineered by outside agencies has taken place.....

Shri Sadhan Gupta: Do you think employees are sheep and goats?

Shri M. C. Shah:....and really it is not proper for me to go into this matter at this stage because we are concerned with these rules.

With regard to the rules, there are some amendments. One amendment is by my friend Shri Samantā. He wants that the meetings of the Corporation's Board of Directors, Investment Committee and Executive Committee should be held half and half in Bombay and Calcutta. I am afraid we cannot accept that amendment. As the headquarters of the central office are located in Bombay, naturally all these meetings should be held there because whatever information we want to have can be had there at the headquarters. But after the Corporation's work is rather settled, certainly the Corporation will think of having some meetings in Calcutta also. The meetings of the Corporation's Board of Directors can be held in Calcutta sometimes, and in Madras sometimes as the Board of Directors decide in the matter. I hope that my friend Shri Samanta will appreciate the difficulties of the Corporation in accepting this amendment of his that half the meetings should be held in Calcutta and half in Bombay. As I said, so far as the meetings of the Investment

Committee and the Executive Committee are concerned, it will be very difficult to go to Calcutta or to Madras, but as I said the Board of Directors can consider this question, and if it is not inconvenient, they can hold some meetings of the Board of Directors in Calcutta too. Perhaps my friend will be satisfied with what I have stated.

There are four amendments by my friend Shri Sadhan Gupta, and he has elaborately dwelt on all those things. I am afraid I cannot accept any of them. The first amendment was with regard to the elections for the representatives to the Employees and Agents Relations Committee. I may say that the Corporation's intentions are to have six representatives of the Corporation, four representatives of the employees and two representatives of the agents on that Committee. That Committee has to advise the Zonal Manager. There will be five such committees, one in each zone. The Corporation started functioning in September. They have to settle down. In the transitional period it is difficult to settle down soon. And now to go to elections, which is a very combrous process, and that too by secret ballot, and to elect the representatives as indicated in the amendment, is rather difficult and not practicable at this moment. It may create certain administrative difficulties. Not only that. If it is, by secret ballot, it may create certain disputes which have to be adjudicated and so on and so forth. Also, the amendment shows that the majority will be of the representatives of the employees and the agents. That also cannot be accepted. As I stated we want to have six representatives of the Corporation. There also in the section it has been provided that it shall not be less than the representatives of the Corporation, and they have to advise with regard to the relations of the employees and agents with the Zonal Manager, and I am sure as an enlightened employer....

Shri M. S. Gurupadaswamy: Are you sure?

Shri M. C. Shah: I should be certain about that. I think they will look to the interests of the employees and they will nominate the best of them, and there will be two agents. There are so many agents. To form the machinery of election and all those things is very cumbrous and administratively an impracticable suggestion at this moment. Therefore I cannot accept it.

Now, with regard to another amendment about consultations with the unions, there are many unions, and it becomes difficult. In practice we will try to consult those unions and have those representatives who are most acceptable for nomination, but I cannot accept an amendment of that type. But I can assure my hon. friend Shri Sadhan Gupta that it is the intention of the Corporation to consult the unions in practice before nominating those representatives on the Employees and Agents Relations Committee.

With regard to other amendments to rule 17, certainly the Corporation will give all possible information that is required by Members of Parliament. The Corporation should not have anything which can be kept out from the information of the hon. Members. Therefore they will be well advised to prepare a report in which all the facts that the Members want about the lapsed policies etc., will be given, must be given, I believe, because, after all, Parliament is the sovereign body. Members can ask questions and to all those questions replies are to be supplied. Nothing can be kept out of the sovereign body. Therefore, without accepting the amendment, I can assure him that all those things will be there in the report, and if anything further is required, certainly the Government will have to get that information from the Corporation and supply it to the hon. Members of Parliament. And also it will be in the interests of the Corporation to say all these things in the report because then they can see what progress they have achieved. Therefore, without accepting the amendment I can assure

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the hon. Member as well as the House that all these things will be there.

With regard to the investments also, ordinarily all these things are supplied. They will be supplied as to how much has been invested in the public sector, in what major lines, how much in the private sector etc. In reply to questions also I have said from 1st September, 1956 up to date how much or what percentage has been invested in public securities, what percentage in the private sector, how much in debentures, equity shares, mortgages etc. All those things will be there.

With regard to the giving out of the names of those to whom more than one lakh of rupees has been advanced, I think it will not be proper to have those things in the report. After all, Parliament is a sovereign body, and it can ask for any information on this point, and it can be supplied. But it will not be proper to have all those things in the report. I hope, therefore, that my hon. friend Shri Sadhan Gupta will not insist on the amendments that he has proposed.

Shri Radha Raman had referred to certain grievances of the field workers. Some other hon. Members also had raised this point. The field workers also have been kept there, and they will get what they used to get up till 30th September, 1957, and they have to prove worthy of what they get. If there is some contract that they will get so much if they bring in so much insurance, certainly, they must prove that they can bring that much insurance, and if they do so they are entitled to get it.

In regard to the agents also, wherever we found that there were difficulties, we have amended the decisions that we had already taken, because, just as hon. Members are very keen to see that the corporation must be a success, likewise Government also are very keen to see that the corporation must be a signal success; and

I am absolutely certain that the corporation is going to be a signal success, and this momentous step that Government have taken is going to prove successful. And I am sure that the co-operation that was promised at the time of nationalisation, that is, on 19th January 1956, will be forthcoming from all quarters concerned. I am sure that the employees also will realise that, after all, their interests will be safe in the hands of the corporation, and they should not indulge in unnecessary agitation.

With regard to individual complaints, I am afraid it will not be possible for me to go into all those details. But, as I have said earlier, whenever any Member of Parliament writes to me about any complaint with regard to the Life Insurance Corporation, I reply to him; firstly, I acknowledge the letter, then I get all necessary information and supply it to the hon. Member. Whether hon. Members are convinced or not, I cannot say.

With regard to these appointments, they must await the report of the committee. If the committee reports about any irregularity in the appointment of A, B, C or D, that will be taken into consideration by the corporation and whatever irregularities are there will be rectified.

I hope hon. Members will be satisfied with the assurances given. We propose to stick to those assurances, we propose to stand by those assurances and we shall try to see that all genuine difficulties are removed as early as possible by the corporation.

We do not interfere in the day-to-day administration of the corporation. Some hon. Member said that undeserving influence was being worked on the corporation. I say that that is not correct. Rather, we leave it to the judgment of the board of directors of the corporation. But, in matters of policy, we guide them. Whenever there is any genuine difficulty or genuine grievance, I would be grateful to hon. Members if they could bring

those matters to my notice, and I can assure them that I shall pay my personal attention to all those grievances and try to remove them if they are genuine.

Mr. Deputy-Speaker: I shall now put the motions to vote. Does Shri S. C. Samanta want me to put his motion to vote?

Shri S. C. Samanta rose—

Shri Sadhan Gupta: May I reply?

Mr. Deputy-Speaker: If the hon. Member wishes to reply, I shall allow him. Certainly, he has the right of reply.

Shri Sadhan Gupta: I am sorry that the Minister has not found it possible to accept any of my amendments. He has vaguely said that the elective principle which I have sought to introduce would create complications and would be cumbersome. I have not been able to understand this argument, because the Industrial Disputes Act itself provides for election of the employees' representatives on the works committees in the factories, which, as units, would be bigger than any of the units under any zonal office of the corporation. I think I would not be far wrong in saying that under any zonal office of the corporation, the total number of employees will not be more than five to six thousand in the biggest of zones. Now, there are many factories where there are more employees than five or six thousand, and yet, they are required under the Industrial Disputes Act to have their works committees elected. Therefore, this argument that it will be cumbersome appears to me to be nothing else than an attempt to deny the democratic right of the employees to choose their own representatives.

I can say that this may be a very facile way of avoiding difficulties, of avoiding election, of avoiding the true representatives of the employees on the Employees and Agents Relations Committees; but, ultimately, the result is bound to be unsatisfactory, because the employees will remain dissatisfied

and discontented. There is no difficulty in arranging for election in every office under the zone, because in each office the number of employees is not likely to be very great, and, therefore, election by secret ballot is not likely to be difficult.

Now, suspicions among the employees and agents will be heightened by the fact that Government refuse to accept the direction about consultation, but merely give assurances. The Minister says that there may be difficulties about consultations, because there will be unions and unions, and, therefore, there may be all kinds of difficulties. I do not know how Government can refuse to undertake a statutory obligation to consult. The Minister has said that the corporation will be an enlightened employer, and, therefore, the employees have nothing to fear from. I strongly deprecate this kind of attitude towards questions concerning the employees. No one has a right to say that he is the best judge of what is to the best interest of the other party; far less has any employer the right to say that the employer, being an enlightened employer, is the sole judge and the best judge of what is for the benefit of the employees and will, therefore, select the best kind of representatives. The fact is that without the employees' own selections, the best kind of representatives simply cannot be chosen, because it is entirely in the hands of the employees to say which representatives should be chosen.

What makes me feel more apprehensive is the statements of the Minister that the corporation will choose such representatives as would be acceptable. What is this question of 'acceptable'? Who is the corporation to accept representatives or not? It is the employees who have to determine what representatives would be represented in the corporation, and no one else can dictate it for them. For instance, if the Minister were to say today that Government, being an enlightened Government, may be entrusted the power of nominating Members of this

[Shri Sadhan Gupta]

House, people would revolt against it. How is the matter to be settled?

It is not a management's concern; it is the employees' concern. Therefore, it makes me apprehensive that the Government even refuses to accept the amendment about consultation. However, in view of the assurance that he will consult, I shall not press my second amendment. But I stand on my demand for the elective principle, because consultation is no substitute for the elective principle. He says that at present it is not possible for the Corporation to adopt the elective principle. The rules are not being framed just for the present; they are being framed for the future also. Therefore, is the Minister prepared to give us an assurance that the elective principle will be adopted later on? Then I might consider not pressing amendment No. 2 which introduces the elective principle.

Regarding the amendment to rule 17, I am still more unable to understand the Government's position. I do not see what is the difficulty in accepting the inclusion of the lapses in the report. It is not that the Corporation will give us everything. We have a statutory right to discuss the report. Therefore, certain things must be contained in the report in order to enable us to discuss it. What the report will contain is described and prescribed by rule 17. It is not correct that the Corporation will give us everything in the report. The Corporation has been given a direction under rule 17 to include certain things in the report. Strangely enough, lapse of business is not there. In the Insurance Year Books, lapse of business was mentioned. The table used to show the total lapse of business between zero and three years. I do not see what is the difficulty in accepting this amendment about showing the lapse of business, because without it the report would not show it.

As I have said, lapse of business is an important thing and it is likely to

continue due to the policy the Corporation has adopted towards the field staff. The Minister has just stated that the formula of keeping the emoluments fixed up to 1957 and watching their output has been adopted because the field staff have to prove that they can produce that output. This whole idea of measuring the achievement of the field staff in terms of the monetary volume of business that they can produce is absolutely wrong.

An Hon. Member: Why?

Shri Sadhan Gupta: Because it comes from a situation in the private sector where only the output of business was emphasised and the result was that all kinds of malpractices grew. If you put it to the field staff that they should fulfil a certain quota, then they will not look to what kind of business comes. They will only try to get perhaps some first year's premiums and that by rebating, as it used to happen in the private sector. Or they would try to get business in a simple and easy way by creating benami agents and all that. Although the rules may be tightened, you can never escape benami agencies, if you drive the field staff into it.

Secondly, the greatest objection to this procedure is that it will induce the field staff to go in for big business, that is to say, to go in for selling securities to relatively well-to-do persons, say, policies of Rs. 10,000 or Rs. 20,000 which will lead to an easy fulfilment of the quota in a very easy way; because if you go to a rich man, you get a policy very easily. But if you have to spread the message of insurance to the working class, to the peasantry, as the professed object of the Corporation is, you have to go to him. The inspector has to go to him, to convince him about the benefits of insurance, has to advise him off and on and see that he pays his premium regularly, because once an industrial worker defaults in paying his premium, it will be very difficult to realise it from him. Therefore, con-

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stantly he will have to go to him. As such, to get Rs. 1000 worth of business, he will have to put in an effort which if he makes in respect of the big capitalists, big landlords and so forth, will bring him perhaps Rs. 1,00,000 worth of business. But do we want that? Do we want Rs. 1,00,000 worth of business from big people at the sacrifice of Rs. 1,000 worth of business from several people? For the effort which will be necessary to realise a big volume of business from the well-to-do sections, a small volume will come from the less well-to-do sections, but the result that social security will be diffused. That is what we are aiming at.

Then again, in the new set-up, the achievement of the field staff should not be measured merely in terms of output of business. It should be measured also by the number of agents they have been able to train up. In the private sector where only business output was emphasised, they somehow got influential people to be agents, often benami agents, and through them, they somehow got the business. Now, we will have to aim at a well-trained cadre of agents. It will be the duty of the field staff to train them. Also, if the business has to run on sound lines, the field staff, the inspectors, for example, have to visit the policyholders, to advise policyholders regarding the proper kinds of policies. Formerly, the attitude of the agents was to sell any kind of policy which brought a big premium; but if the Corporation has to run on ethical lines, the policyholders must be advised what policy is to their best interest. It should be the duty of the field staff to do all these things.

All these things should be taken into consideration in measuring the achievement of the field staff and not mere monetary output of business. Otherwise, it will destroy the whole ethical basis of the Corporation which we have been fighting for. This is the position regarding the field staff. Under these circumstances, in order to

judge these achievements, the lapse of business is a very important factor and it must be included in the report. What is the harm in including it in the report?

Secondly.....

Mr. Deputy-Speaker: I hope that the reply will not be longer than the original speech.

Shri Sadhan Gupta: No.

Secondly, I come to the investment policy. Have we not a right to know what kind of investment is being made? The rule only says 'Nature of investments in securities'. Now, it may be that the investments are made in economic sectors where it is not desirable to do so. We should know it. We should be able to judge for ourselves what is desirable and what is not. It may be that in the name of investments, certain big monopolists are being supported. There also the Corporation contains many persons who were connected with it. Should we not know that these things are happening?

It is not true, as the Minister sought to make out, that we want every investment over a lakh of rupees to be mentioned. That is not what we wanted. What we want is that every investment over a lakh rupees made in concerns controlled by one group of individuals should be mentioned. That is very clear. For instance, in how many Tata or Birla or Singhanian concerns are we making an investment of more than one lakh of rupees? That is what has got to be stated. That is a very important thing for Parliament to know if it is to function effectively as a machinery through which the working of the Corporation is to be discussed. Therefore, I would once more ask the hon. Minister to reconsider his decision and accept these two amendments.

14 hrs.

Shri S. C. Samanta rose—

Mr. Deputy-Speaker: Has the hon. Member anything to say?

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Shri Sadhan Gupta: He cannot, Sir.

Mr. Deputy-Speaker: It is not for the hon. Member to say.

Shri S. C. Samanta: I want to say only a few words.

Mr. Deputy-Speaker: I understand the hon. Member does not want to press his motion. Then where is the need for a reply?

Shri S. C. Samanta: I am thankful and glad that the hon. Minister has informed me that there will be no difficulty on the part of the Corporation and its committees to hold meetings elsewhere. I wanted to make that explicit in the rule. When the hon. Minister has given the assurance, I hope he will issue directions from the Ministry so that the bodies will be able to hold meetings at other places. I hope the House will permit me to withdraw the motion.

Shri M. C. Shah: So that there may not be any misunderstanding later, I say what I said was about the meetings of the Board of Directors. I specifically mentioned that and not the meetings of the Investment Committee or the meetings of the Executive Committee. If they feel that those meetings can be held, Government can have no objection. But, so far as the meetings of the Board of Directors are concerned, I say that when matters are settled the Board of Directors will consider having a meeting somewhere—in Calcutta or Madras. That was my assurance.

With regard to my hon. friend, Shri Sadhan Gupta, I do not want to take as much time of the House as he did either in moving or in replying. But, there is one misconception and that I must remove. About the field staff, I said that they were not regular employees of the insurers. When we gave the assurance, it was so far as the regular employees of the insurers were concerned. The field employees were rather on a *pro rata* basis and they were not regular employees.

Shri Thann Pillai: They were the backbone of insurance.

Shri M. C. Shah: They were in the sense that they brought business and they used to get sometimes commission, sometimes commission plus salary and sometimes salary. All these were there.

Shri Thann Pillai: That was the company's mischief.

Shri M. C. Shah: Whatever that may be, you must realise that there are more than 6,000 field workers. Unless they put in the work, how is the Corporation going to give them salary without work? Really speaking, we wanted to have 4 types of inspectors according to the work they can bring in. But, when they wanted to have the same terms and conditions to be continued in order to prove their worth we have allowed them to continue on those terms and conditions up to 30-9-1957 and we have told them that we will judge their cases according to the work they can bring in up to September, 1957. That is just and fair. No Member of Parliament would ever to waste a single farthing of the Corporation in giving salaries without work. Therefore, the system we have devised is a rather very sound one and also in the best interests of the Life Insurance Corporation. We have given them time. Let them prove their worth and let the Corporation consider about them. That is the only thing I wanted to say.

After all, the speeches will go round and create a misconception in the minds of those people and, perhaps, they might feel that they can get on with those salaries because there is support from one section of the House and they might just do the work allotted to them. That is the only reason why I have tried to clear this misconception.

Shri Sadhan Gupta: Let them create *benamis*.

Mr. Deputy-Speaker: Shri Samanta does not want to press his motion. Has the hon. Member the leave of the House to withdraw his motion?

The motion was, by leave, withdrawn.

Mr. Deputy-Speaker: About Shri Sadhan Gupta's motions....

Shri Sadhan Gupta: May I enquire whether the hon. Minister accepts the elective principle for the future? He said it was cumbersome at present.

Mr. Deputy-Speaker: The future will determine itself when it comes.

Shri Sadhan Gupta: Let us have an assurance.

Mr. Deputy-Speaker: The question is:

This House resolves that in pursuance of sub-section (3) of section 48 of the Life Insurance Corporation Act, 1956, the following rules be substituted for rule 14 of the Life Insurance Corporation Rules, 1956, laid on the Table on the 20th November, 1956:

"14. Corporation to constitute Employees and Agents Relations Committees.—The Corporation shall constitute for each zonal office an Employees and Agents Relations Committee consisting of—

(a) five representatives of the employees of the Corporation elected in accordance with the provisions of rule 14A;

(b) three representatives elected by the agents according to the provisions of rule 14B; and

(c) not more than five representatives of the Corporation to be nominated by the Corporation.

14A. Election of employees representatives.—(1) The five representatives of the employees shall be elected in the following manner:

(a) The employees employed in each office under the zonal office shall elect by secret ballot one representative for every one hundred of such employees or part thereof exceeding twenty:

Provided that where the number of such employees is twenty or less, such employees shall be

entitled to elect one representative.

Explanation.—For the purposes of this clause 'employees' means employees who are workmen as defined in the Industrial Disputes Act, 1947 or employees employed as inspectors.

(b) The representatives elected under clause (a) shall elect by secret ballot, five persons for appointment to the Employees and Agents Relations Committee.

(2) No person who is not an employee of the Corporation, shall be entitled to be elected as a representative under clause (a) of sub-rule (1) or for appointment to the Employees and Agents Committee under clause (b) of sub-rule (1) unless he is a member of a trade union of any section of employees under the zonal office.

14B. Election of agents representatives.—(1) The three representatives of the agents shall be elected in the following manner:

(a) The agents shall elect by secret ballot one representative for every thirty agents or part thereof exceeding fourteen, operating in areas covered by each divisional office under the zonal office in such manner as the Corporation may determine.

(b) The representatives elected under clause (a) shall elect by secret ballot three representatives for appointment to the Employees and Agents Relations Committee.

(2) No person who is not an agent shall be entitled to be elected as a representative under clause (a) of sub-rule (1) or for appointment to the Employees and Agents Relations Committee under clause (b) of sub-rule (1) unless he is a member of any association, the objects of which include the promotion of the interest and welfare of agents and of which agents are entitled to be members.

[Mr. Deputy-Speaker]

14C. Election of Chairman of the Employees and Agents Relations Committee.—The persons constituting the Employees and Agents Committee shall elect one amongst themselves as Chairman of the said committee."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

Mr. Deputy-Speaker: Those in favour will please say 'Aye'.

Shri Sadhan Gupta: 'Aye'.

Mr. Deputy-Speaker: Those against will please say 'No'.

Several Hon. Members: No.

Mr. Deputy-Speaker: I think the 'Noes' have it.

Shri Sadhan Gupta: The 'Ayes' have it.

Mr. Deputy-Speaker: Then this shall have to remain in abeyance for some time.

Shri M. C. Shah: Does he press it; will there be a division?

Mr. Deputy-Speaker: By voice vote I declared that the 'Noes' have it but Shri Sadhan Gupta challenges it. Of course, it is clear that his was the sole voice.

Shri Mohiuddin (Hyderabad City): It is obvious there was only one Member.

Mr. Deputy-Speaker: I do not know whether I can declare. So far as the rules go, when it is challenged, I should have the bell rung and then put it to vote and then declare, even though it is obvious to me with my own eyes.

The Minister of Legal Affairs and Civil Aviation (Shri Pataskar): If the hon. Member withdraws then it need not be done so.

Mr. Deputy-Speaker: There is an appeal from the Minister that as his voice was a lone voice he may withdraw his challenge.

Shri Sadhan Gupta: I made an offer. If the elective principle is agreed to for the future, I would have withdrawn.

Mr. Deputy-Speaker: That is not accepted.

Shri Sadhan Gupta: So, I have to press.

Mr. Deputy-Speaker: Then, it shall stand over.

So far as motion No. 3 is concerned, the hon. Member is not pressing it.

Shri Sadhan Gupta: I am not pressing No. 3 in view of the assurance given by the hon. Minister of consulting the employees.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw his motion, No. 3?

The motion was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

This House resolves that in pursuance of sub-section (3) of section 48 of the Life Insurance Corporation Act, 1956, the following clause be inserted after clause (b) of rule 17 of the Life Insurance Corporation Rules, 1956, laid on the Table on the 20th November, 1956:

"(bb) the total lapse of business—

- (i) between zero to one year;
- (ii) between zero to two years; and
- (iii) between zero to three years;"

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

This House resolves that in pursuance of sub-section (3) of section 48

of the Life Insurance Corporation Act, 1956, the following clause be substituted for clause (d) of rule 17 of the Life Insurance Corporation Rules, 1956, laid on the Table on the 20th November, 1956:

"(d) the nature of investment showing separately—

(i) the nature and amount of investment in the public sector;

(ii) the nature and amount of investment in the private sector; and

(iii) where any investment of one lakh of rupees or more has been made in any individual concern or in concerns belonging to or controlled by one group of individuals, the name of such concerns and the nature and amount of investment made therein; and"

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

The motion was negatived.

Mr. Deputy-Speaker: As far as motion No. 2 is concerned, it will be taken up later. We shall now proceed to the next item.

Shri M. C. Shah: Later at what time, Sir?

Mr. Deputy-Speaker: After 2.30, I suppose.

Shri M. C. Shah: Does the hon. Member insist on that?

Shri Sadhan Gupta: Yes.

Mr. Deputy-Speaker: Then, after 2.30 at about 2.30 or 2.45, we will take it up.

Shri M. C. Shah: Then, I will have to stay for that.

Mr. Deputy-Speaker: Necessarily.

HINDU ADOPTIONS AND MAINTENANCE BILL

The Minister of Legal Affairs and Civil Aviation (Shri Pataskar): Sir I beg to move:

"That the Bill to amend and codify the law relating to adoptions and maintenance among

Hindus, as passed by Rajya Sabha, be taken into consideration."

This Bill was introduced in Rajya Sabha on 23rd August, 1956, and was referred to a Select Committee of that House on 28th August, 1956. It could not be referred to a Joint Committee as there was no time available in this House during that Session for taking up such a motion in this House. It was even than anticipated that there would be only one Session after that and is the present Session and to refer it to a joint Committee in this Session would have meant withholding the passing of this urgent piece of legislation during the life of this Parliament. Under these exceptional circumstances, this Bill was referred to a Select Committee of that House only. Besides, hon. Members will find that the part of the original Hindu Code Bill was the least controversial and, in fact the part relating to maintenance—as was rightly pointed out by the opponents of the Hindu Code—was a connected part of the Law of Succession. It was at the instance of the hon. Members, Shri Chatterji and Shri V. G. Deshpande that sub-section (2) of section 30 or the Hindu Succession Act was introduced as part of that Act when the same was under consideration in this House. However, that was only a remedial amendment and the law relating to maintenance had to be enacted at the earliest opportunity. Similar considerations also make it necessary to have the law of adoption enacted along with the law of maintenance.

The Select Committee of that House under the Chairmanship of Shri P. N. Saprū, a distinguished jurist and an ex-Judge of the Allahabad High Court, submitted its report to that House without a minute of dissent on 19th November, 1956. Of course it did make certain changes in the Bill as was originally introduced in that House. The Bill was then taken up and passed by the other House on 29th November, 1956.

The Hindu Code, as revised by the Select Committee in 1948, was divided

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into the following important parts: (i) Marriage and divorce; (ii) Adoption, (iii) Minority and guardianship; (iv) Joint family and coparcenary; (v) Succession, and (vi) Maintenance. We have already covered marriage and divorce, Minority and guardianship, succession and women's property in the Hindu Marriage Act, 1955; the Hindu Succession Act, 1956 and the Hindu Minority and Guardianship Act, 1956. The remaining parts to be dealt with are the joint family and the coparcenary, adoptions and maintenance. With respect to joint family and coparcenary property, we have already conferred on women a right to share in joint family properties and for the time being it is sufficient. The question whether joint family as such should be continued or otherwise can be considered later in due course.

The only other parts of the Hindu Code to be dealt with are, therefore, adoption and maintenance and the present Bill deals with them. The Bill consists of three chapters. The first chapter contains clauses 1 to 4. Of these, clauses 1, 2 and 4 are the usual clauses relating to short title, application of the Act and its overriding effect. These clauses are identical with the clauses already passed by Parliament in the Acts relating to succession, marriage and minority and guardianship. Clause 3 deals with definitions. The definition of custom usage is identical with the definition of custom and usage in the other Hindu Acts. The other definitions are non controversial. That finishes the clauses in chapter I.

14-13 hrs.

[SHRI BARMAN in the Chair]

Chapter II of the Bill contains clauses 5 to 17 and they deal with the question of adoption. Provision in clause 7 deals with the question of capacity of a male Hindu to take in adoption and he can take in adoption either son or a daughter according to his choice. It will be remembered that with the passing of the Hindu Succession Act which provides for a

share to a daughter along with a share to a son, it is but natural that we should allow a person to adopt not only a son but a daughter also, if it so desired. Under the existing state of Hindu law regarding adoption, there is no provision for the adoption of a daughter amongst Hindus governed by the Mitakshara and Dayabag schools of Hindu Law but amongst the Hindus in the South, who are governed by the Marumakattayam law and other materiarhal systems of law, a daughter can be adopted and is in many cases adopted. We have already introduced uniformity in the matter of succession among all Hindus throughout the country and it is but natural that so far as adoption is concerned, we should make a uniform provision applicable to all. There is also no reason why hereafter in a matter like this, there should be any difference or distinction with respect to the sex of a child to be adopted. Adoption of a daughter is not inconsistent with any religious belief. In fact, Dattak Mimansa and Sanskar Kausthuba provide for the adoption of a daughter. There have been instance of adoption of daughters even in the hoary past. Dasaratha, the father of Prabhu Ramachandra, gave his daughter Shanta in adoption to King Lompad, who had no issue.

There are two Sanskrit authorities so far as the question of adoption is concerned. They are Dattak Mimansa and Dattak Chandrika. As recently as 1880 or so, this was a custom prevalent in a city like Poona, one Rawji Shastri—he must have been an old and learned man—adopted a daughter. That is the case reported in ILR 13, Bom. page 91. The Indian Judge who tried the case relying on Dattak Mimansa and Sanskar Kausthubha held it valid. He also found that it was being commonly done and practised in that area. He also held that was customary to adopt a daughter. That decision was, however, set aside in appeal by an English Judge, Sir, Parson, relying on Colebrooke's digest. He was a great translator of many of the Sanskrit works on Hindu

Law. He has translated Dattaka Chandrika. I would like to refer to a prevalent belief in Bengal which is mentioned in no less than Maine's Hindu Law:

"As to the Dattaka Chandrika it may be said that in Bengal there is a tradition that it is a literary forgery by Raghupati Vidyabhushana who was the Pundit of Colebrooke, the celebrated English translator of numerous Sanskrit works on Hindu law. It is said that it was written to help the claim set up by an adopted son to a Raj in Bengal."

I would like to point out—I do not know the accuracy of it—that it is much better to rely upon the authoritative text of Dattaka Mimansa for any purpose rather than on the translation which has at least got an atmosphere of suspicion about it, as has been pointed out here. It would thus be seen that it is only as a result of judicial decision that the adoption of daughters came to be regarded as invalid in law. The criticism advanced against this provision arises mainly from prejudice and force of habit and is based on wrong appreciation of the question. I am aware that social ideas change but very slowly and that a very large portion of Hindu society governed at present by the Mitakshara school or Dayabhaga school of Hindu Law will only adopt sons and not daughters. Adoption may be made from a religious motive to adopt a son who may continue in the family and give oblations to his ancestors. In such cases, I am sure such persons will adopt only sons, but there is nothing in this Act which would come in the way of their doing so or acting according to their wishes, beliefs and inclinations. Adoptions are also made to satisfy a natural urge and craving. In these cases, the person may adopt a son or a daughter. Even now it is not quite uncommon to find daughters adopted.

What is done by clause 7 is only to enable those who want to adopt a daughter to do so. In this connection, it should be noted that adoption of a

daughter was a device resorted to even under the existing law where there was difficulty in the celebration of a marriage between a boy and a girl who belonged to the same Gotra. I have known of cases in which to avoid this difficulty of sagotra vivaha, the bride was given in adoption to some one belonging to a different gotra by the father of the bride and then she was married to the bridegroom who belonged to the gotra of her natural father and this was done by that section of society which regarded itself as orthodox and when this was done, no voice was ever raised against it. Under the existing law, there have been cases of young widows adopting as their sons persons older than themselves and society generally looked upon such cases with disfavour. Provision has, therefore, been made in clause 11 of the Bill that in the case of adoption by a male of a female, the adoptive father must be at least 21 years older than the person to be adopted and that in the case of adoption by the female of a male, the adoptive mother must be at least 21 years older than the person to be adopted. There is a similar provision in the English Law of Adoption. Besides, it is consistent with the present ideas and sentiments of social propriety. The clauses in this Bill follow similar provision made in the original Hindu Code Bill as considered by the Select Committee of the Provisional Parliament.

As the hon. Members are aware, we have abolished what is known as the limited estate of Hindu women. Hereafter any widow, who inherits the property of her husband and is in possession of the same is absolute owner of such property. A necessary change has, therefore, to be made with respect to the question of vesting and divesting of an estate as a result of adoption. In the case of adoption by a widow under the present law, the rights of the adopted son would date back to the date of death of the husband of the widow who made that adoption. Now, no such question can arise as the widow like any other heir becomes a full owner of the estate inherited by her

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from her husband and no question of vesting and divesting of an estate arises in any manner. Such an adopted son will become her heir like a natural son. It is from this point of view that provisions contained in the Hindu Code Bill with respect to this matter have been altogether omitted from this Bill.

Under the present Hindu law, as it stands in many parts of the country, a widow can adopt only if her husband had permitted her to do so. Of course, in the case of Bombay, on account of a ruling of the Bombay High Court, it is not necessary to have the consent, but there are certain other parts under the jurisdiction of other High Courts where a different state of things exist. This was a fruitful source of many an avoidable litigation. No such consent need now be made necessary, as the widow who adopts, is already the full owner of the estate. This is another departure which has been made by this law.

At present any person of any age is capable of being adopted. There have been cases in which young widows have adopted men much older than themselves. This is against the very conception underlying the idea of adoption. It is, therefore, provided that a persons to be adopted must not be over 15 years of age.

Under the present law if a person having a wife wants to adopt a son, he can do so whether his wife gives her consent to the same or not. Provision is now made that he shall not do so except with the consent of his wife or wives if more than one is alive. It will be realised that this is not only consistent with the status and dignity of a wife but is necessary in view of the fact that she is now a full heir, and it is consistent with the idea of maintaining harmony in the family.

Under the present law, it is only a father or a mother who can give his or her child in adoption. Apart from

religious considerations, the motive underlying an adoption is the natural craving of a childless person to have a child. In fact, even in the past there have been many instances where boys had been adopted who had no parents living at the time of the adoption. But they were not valid unless justified on the ground of custom. As a matter of fact, it will be realised that a parentless child is really in dire need of parental care and the present law prevented such a child from being adopted. It is desirable that such children may be allowed to be adopted by persons who desire to adopt. Provision is therefore made for enabling the guardian of a child to give that child in adoption. The guardian may be a brother or any other relative or even a person who is not related. However, to prevent improper use being made of this provision by persons on the plea that they are guardians to dispose of young children from ulterior motives, a safeguard is provided that such a guardian should be either a testamentary guardian or guardian appointed or declared by court. With this necessary safeguard, provision is now made enabling guardians of children to give children in adoption.

In order that by resorting to this device of adoption, provisions in the law of marriage restricting persons of some specified natural relationship from marrying each other may be evaded, it has been provided that by adoption, such a child will not have the right to marry a person who, he or she, could not have married if he or she had continued in the family of his or her birth.

It has been found by experience that many an adoption is challenged in a court of law even though the adoption has been recorded in a document duly registered under the law for the time being in force. A clause has, therefore, been inserted that in such cases the court shall presume that the adoption has been made in compliance with the provisions of this Act.

It is desirable that when persons are allowed to adopt either a son or a daughter, it is necessary that such an adoption shall not take place as a result of some payment or reward in consideration of the same. Provision is, therefore, made in clause 17 penalising an action of this nature and making it an offence. It will be found that the provisions regarding adoption are thus simple in nature and need not raise controversy.

Adoptions have been a peculiar feature of Hindu society. Family was once the unit of Hindu society and for the continuation of such a unit adoption had an important role to play. The unit of present society is the individual. Our Constitution is based on maintaining the dignity and status of an individual. On account of vast changes in the political and economic life of the country, the individual has of necessity to be a unit of our society. Adoptions in the old sense and for the old purposes are bound to be rare under the present circumstances.

Adoptions under the existing conditions had become a source of misery in many cases during the past many years. In many cases, as a result of adoptions instead of the families continuing to remain prosperous, they were ruined by almost inevitable ruinous litigation in courts of law. However, out of respect for the natural craving of a person to have a child or to have a son or daughter of whom he or she can take care and whom he or she could bring up, the system of adoption with suitable modifications is being maintained by this piece of legislation.

I may point out in this connection that after the last war, after 1918, there have been numerous countries in the world where there was no provision in law for adoption. There are about 28 countries in Europe and America and elsewhere which have since enacted laws, because it has now become a social problem. On the one hand, there are numerous parentless children who are cast out and are not cared for, and on the other, there is also another class of people who are in a position to maintain children but

who unfortunately have not got children of their own. It has, therefore, as a matter of solving that social problem, become necessary even for those countries, apart from religious feelings, to have passed laws enabling persons to make adoptions so that the orphans who are adopted might become valid sons or daughters.

I now turn to the other clauses. Clauses 18 to 27 contained in Chapter III deal with the law of maintenance amongst Hindus. Clause 18 deals with the maintenance of a wife. Sub-clauses (1) and (2) of this clause are based on Rau Committee's report and clause 26 of the report of the Provisional Parliament. These clauses have, however, been redrafted so as to confine the provisions of this clause only to the maintenance of a wife.

A question may be asked whether, in view of the provision for judicial separation and maintenance provided for in the Hindu Marriage Act, this provision is really necessary. The answer is in the affirmative, because the Hindu wife may choose any remedy open to her and having regard to our own traditions in most cases a Hindu woman would prefer a remedy of this nature to judicial separation or divorce. A decree for maintenance differs in no important respect from an order for permanent alimony embodied in a decree for judicial separation, and in the case of judicial separation such a decree would cease to be enforceable after the parties have begun to cohabit, or live together. But the significance of a decree for maintenance as compared with a decree for judicial separation is bound to be essentially separate in the eyes of a Hindu woman.

Clause 19: This reproduces clause 26 of Chapter II of Part IV of the Rau Committee's Bill. Under the present law, the father-in-law is not under a legal obligation to maintain his widowed daughter-in-law, but if he has got separate property of his own, he is under moral obligation to maintain her out of such property. On the death of a father-in-law the moral

[Shri Pataskar]

obligation ripens into a legal obligation on the heirs. The father-in-law's moral obligation arises out of affinity between him and his daughter-in-law and irrespective of any joint family status between the father and the deceased husband.

Clause 19(2) more or less summarises the existing law.

Clause 20: This clause was added by the Select Committee in 1948. There was no similar provision in the Rau Committee's draft.

Mitakshara, after quoting the following passage from Manu—

"It is declared by Manu that the aged mother and father, and chaste wife and infant child must be maintained even by doing a hundred misdeeds,"

proceeds to lay down that "where there may be no property but what has been self-acquired, the only persons whose maintenance out of such property is imperative are aged parents, wife and minor children".

Under Hindu law, a father is under a personal obligation to maintain his minor sons, his unmarried daughters and his aged parents, but he is under no personal obligation to maintain his grandsons or granddaughters. He has also to maintain certain classes of illegitimate sons but there is no provision in Hindu law for the maintenance of illegitimate daughters although they may be entitled to claim maintenance from their putative father under section 488 of the Criminal Procedure Code. The specific clause, while being based on Hindu law, makes provision for all children including the daughters.

Clause 21: This reproduces clause 5 of Division 2 of Part III-A of the Rau Committee's Bill.

Under the existing law, the heir is legally bound to provide, out of the estate which descends to him, maintenance for those persons whom the late proprietor was legally or morally bound to maintain. the reason being

that the estate is inherited subject to the obligation to provide for such maintenance.

In arriving at a list of dependents two views are possible, because while we are dealing with the question of maintenance, it has to be decided as to whom maintenance has to be given. One is that the Hindu Succession Act having determined certain persons to be preferential heirs, all of them should be regarded as dependents, so that if any of them is deprived of a share in the property which would have come to him had the deceased died intestate, he should be entitled to maintenance under this law. On the other hand, it could very well be argued that the deceased could, by his will-making power, deprive any of these heirs of any share in the property. It is also undesirable that the law should provide for maintenance being payable to heirs like sons or daughters through a daughter and so on. The dependents should be limited to those who would ordinarily have been supported by the deceased. If the list is too wide, the result will be that it will interfere with those who would normally have been supported by the deceased. Clause 21 as it now stands is based on the latter principle.

Clause 22: The liability to maintenance arises from the fact that the heir has inherited property from the deceased and obviously the amount of maintenance will depend upon the value of the share taken.

Clause 23 deals with the question of the amount of maintenance. This clause is formulated on the well-known principles laid down by the Privy Council as stated below:

"Maintenance depends upon a gathering together of all the facts of the situation the amount of free estate, the past life of the married parties and the families, a survey of the conditions and necessities and rights of the members on a reasonable view of change of circumstances possibly required in the future, the mode of living, and the age, habits, wants and class

of life of the parties. In short, it is out of a great category of circumstances, small in themselves, that a safe and reasonable induction is to be made by a court of law in arriving at a fixed sum."

Clauses 24 and 25 do not call for any comments as they are the normal features of a law of maintenance.

Clause 26 is in consonance with the existing law under which the claim even of a widow for maintenance is not a charge upon the estate of a deceased husband, whether joint or separate, until it is fixed and charged upon the estate. The charge can be created by a decree of a court or by an agreement between the widow and the holder of the estate or by the will by which the property was bequeathed.

Clauses 27 and 28 are in consonance with the existing state of law governing such matters.

This is the last part of the Hindu Code. As I said, this is mostly non-controversial and I can assure all hon. Members that this has been brought forward keeping in view the sentiments of every class of people in this country. The main objection to the Bill is for enabling the daughter to be adopted. As a matter of fact, I can say that it does not interfere with any of the views of the people, because if a man wants to adopt a child for the purpose of offering oblations, there is nothing to prevent him from adopting a daughter. Also, it is in conformity with the existing state of society and the changes that have come about. It is quite possible that a person may desire to adopt his neighbour's daughter who has lost her parents. I do not know what will be the hardship if a daughter is adopted. The law would not interfere with the joint family and so on, because such persons will not adopt daughters. If there is a provision in this Bill enabling somebody who wants to adopt a daughter to do so, it is not in conflict with any idea or belief. As for those who depend more upon the traditions of our *shastras*, I might say that the great

commentator Dattaka Mimansa has given room for the adoption of a daughter. It is as a result of wrong readings of some of the original Sanskrit texts that we have regarded the adoption of a daughter as something which is irreligious. I cannot quote a better example than the great man, Dasaratha, father of Prabhu Ramachandra, who himself gave his daughter in adoption to a friend who had no child. Beyond that, I do not think that there is anything controversial about this Bill.

So far as maintenance is concerned, the provisions in the Bill are only the normal features of the law of maintenance with some slight modifications. This is more or less a non-controversial measure and I hope that this Bill will be passed without any dissentient voice.

Mr. Chairman: Motion moved:

"That the Bill to amend and codify the law relating to adoptions and maintenance among Hindus, as passed by Rajya Sabha, be taken into consideration."

MOTIONS RE MODIFICATION OF LIFE INSURANCE CORPORATION RULES—Contd.

Mr. Chairman: The House will now take up the motion which had been held over. I shall put motion No. 2 of Shri Sadhan Gupta.

The question is:

This House resolves that in pursuance of sub-section (3) of section 48 of the Life Insurance Corporation Act, 1956, the following rules be substituted for rule 14 of the Life Insurance Corporation Rules, 1956, laid on the table on the 20th November, 1956:

"14. Corporation to constitute Employees and Agents Relations Committees.—The Corporation shall constitute for each zonal office an Employees and Agents Relations Committee consisting of—

[Mr. Chairman]

(a) five representatives of the employees of the Corporation elected in accordance with the provisions of rule 14A;

(b) three representatives elected to the provisions of rule 14B, and

(c) not more than five representatives of the Corporation to be nominated by the Corporation.

14A. Election of employees representatives.—(1) The five representatives of the employees shall be elected in the following manner:

(a) The employees employed in each office under the zonal office shall elect by secret ballot one representative for every one hundred of such employees or part thereof exceeding twenty:

Provided that where the number of such employees is twenty or less, such employees shall be entitled to elect one representative.

Explanation.—For the purposes of this clause 'employees' means employees who are workmen as defined in the Industrial Disputes Act, 1947 or employees employed as inspectors.

(b) The representatives elected under clause (a) shall elect by secret ballot, five persons for appointment to the Employees and Agents Relations Committee.

(2) No person who is not an employee of the Corporation, shall be entitled to be elected as a representative under clause (a) of sub-rule (1) or for appointment to the Employees and Agents Committee under clause (b) of sub-rule (1) unless he is a member of a trade union of any section of employees under the zonal office.

14B. Election of agent representatives.—(1) The three representatives of the agents shall be elected in the following manner:

(a) The agents shall elect by secret ballot one representative for

every thirty agents or part thereof exceeding fourteen, operating in areas covered by each divisional office under the zonal office in such manner as the Corporation may determine.

(b) The representatives elected under clause (a) shall elect by secret ballot three representatives for appointment to the Employees and Agents Relations Committee.

(2) No person who is not an agent shall be entitled to be elected as a representative under clause (a) of sub-rule (1) or for appointment to the Employees and Agents Relations Committee under clause (b) of sub-rule (1) unless he is a member of any association, the objects of which include the promotion of the interest and welfare of agents and of which agents are entitled to be members.

14C. Election of Chairman of the Employees and Agents Relations Committee.—The persons constituting the Employees and Agents Committee shall elect one amongst themselves as Chairman of the said committee."

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution.

Those in favour will say 'Aye'.

Some Hon. Members: Aye.

Mr. Chairman: Those against will say 'No'.

Several Hon. Members: No.

Mr. Chairman: The 'Noes' have it.

Shri Sadhan Gupta: The 'Ayes' have it.

Mr. Chairman: The bell may be rung.

14-38 hrs.

[MR. DEPUTY SPEAKER in the Chair]

Mr. Deputy-Speaker: I will again put Shri Sadhan Gupta's motion to the vote of the House. Those in favour will kindly stand in their seats. I see 10 hon. Members standing,

namely, Shri M. K. Moitra, Shri K. K. Basu, Shri V. P. Nayar, Shrimati Renu Chakravartty, Shri A. K. Gopalan, Shri M. S. Gurupadaswamy, Shri Raghavachari, Shri Ramji Verma, Dr. Jaisooriya and Shri Sadhan Gupta.

Those against will kindly stand in their seats. I see a large number. So, the motion is lost by an overwhelming majority.

The motion was negatived.

Shri Sadhan Gupta: You are against democracy for employees!

Mr. Deputy-Speaker: That is a different matter. Here the issue is limited, namely, whether the motion is lost or accepted.

The other motions have already been disposed of.

HINDU ADOPTIONS AND MAINTENANCE BILL—Contd.

Mr. Deputy-Speaker: The House will now proceed with the discussion of the Hindu Adoptions and Maintenance Bill.

श्रीमती शिवराजवती नेहरू (जिला लखनऊ-मध्य) : माननीय अध्यक्ष महोदय, इस बिल की मुख्य बात यह है कि अब हिन्दू समाज लड़की को भी गोद ले सकेगा और लड़की को भी अपने गोद लेने वाले पिता की सम्पत्ति में उस की जाई हुई पुत्री के समान अधिकार होगा। इस बात से तो मैं बिल्कुल सहमत हूँ और मैं इस को सख्त स्वीकार करती हूँ।

अभी हमारे माननीय मंत्री जी ने कहा कि सदस्यों को सेंटिमेंटल नहीं होना चाहिये और इस बिल को पाम कर देना चाहिये। मैं इस बात में तो सेंटिमेंटल नहीं हूँ, परन्तु यह अवश्य कहना चाहती हूँ कि जैसीकि कहावत है कि पंच परमेश्वर होता है, पंचों की जो आवाज होती है उस में भगवान वास करता है। जब कौंसिल आफ स्टेट के सदस्यों ने इस बिल पर अग्रणी तरह से विचार कर

के और संशोधन कर के इस को सर्वसम्मति से पास कर दिया तो मैं उन के निर्णय के विपरीत कहने का साहस नहीं कर सकती। दूसरे सदन में बहुत बड़े बड़े कानून के ज्ञाता हैं और धरंधरा पंडित हैं।

उपाध्यक्ष महोदय : मगर यहाँ तो दावा है कि यहाँ और भी ज्यादा पंडित हैं।

श्रीमती शिवराजवती नेहरू : उन के निर्णय में त्रुटि निकालना या छिद्र देखना मैं समझती हूँ कि सूर्य को चिराग दिखाने के बराबर है।

पंडित ठाकुरदास भार्गव (गुडगांव) : तो आप इस हाउस को बन्द कर दें।

श्रीमती शिवराजवती नेहरू : परन्तु फिर भी, इस बिल को पढ़ कर मेरे मन में कई शंकाएँ उठती हैं और मेरा यह अधिकार है कि मैं उन को माननीय न्याय मंत्री जी के सामने रखूँ और उन से कहूँ कि वह उन को दूर करें और इस बिल में जो नियम उन्होंने ने बनाये हैं उन का सही सही अभिप्राय मूझ को समझा दें।

एक जो सब से पहला नियम है, जिस के सम्बन्ध में मैं ने संशोधन दिया है, यह है कि अधिक से अधिक १५ वर्ष की आयु तक के बालक को गोद लिया जा सकता है। मैं सेंटिमेंटल नहीं हूँ, लेकिन मैं समझती हूँ कि १५ वर्ष तक के बालक को गोद लेने का नियम जो इस कानून में रक्खा गया है वह कामनसेन्स, प्राकृतिक नियम और सांसारिक विचार, इन तीनों विचारों से अनुचित दिखाई देता है। गोद लेने का जो शब्द है, वह ऐसा शब्द है जिस से ऐसा मालूम होता है कि ऐसे बच्चे को गोद लिया जाय जिस को माता अपनी गोद में उठा सके। माता पिता जब बच्चे के लिये कष्ट उठाते हैं, उस का लालन पालन करने हैं और जब वह तोतली जबान से माता कहता है, जब कोमल और मधुर शब्द बोलता है, तभी माता पिता के हृदय में उस के लिये प्रेम उमड़ता है। प्रेम वास्तव में किसी बच्चे के पेट में भ्राने से नहीं होता है बल्कि उस के प्रति प्रेम माता पिता

[श्रीमती शिवराजवती नेहरू]

के पालन पोषण करने से उत्पन्न होता है। हमारे पुराने विद्वानों ने कहा है कि छोटी उम्र के बच्चों को, पांच वर्ष की आयु तक तो प्रेम से रखना चाहिये, पांच वर्ष से लेकर दस वर्ष की आयु तक उन को माता पिता ताड़ना में रखें और जब उस की आयु दस वर्ष के ऊपर हो जाय तो माता पिता को उस के साथ मित्र के समान व्यवहार करना चाहिये। ऐसी स्थिति में उस व्यक्ति को जिस को बालक नहीं कहा जा सकता यदि कोई माता पिता पेट लें तो वह बच्चा भी कैसे उन माता पिता को अपना माता पिता के समान प्रेम कर सकता है ?

फिर यह भी हम देखते हैं कि हमारे ग्रंथों में लिखा है कि जब बालक पैदा होता है तो उस के जन्म से ही संस्कार बनने लगते हैं, उस का मूत्रन होता है, अन्न प्राशन होता है, यज्ञोपवीत होता है। हमारे न्याय मंत्री जी जानते हैं कि कानून के मुताबिक जो व्यक्ति यह सब संस्कार करता है वही वास्तव में उस का पिता होता है। मैं उस को मानती हूँ कि यह अधिकतर ब्राह्मणों से ही ताल्लुक रखता है, फिर भी मैं न देखा है कि एक बड़े मुकदमे में दो आदमियों में से वही आदमी बच्चे का पिता समझा गया जिस ने उस का यज्ञोपवीत संस्कार किया था। जब हम १५ वर्ष के बच्चे को गोद लेते हैं, तो उस के यह सभी संस्कार हो चुके होते हैं, नये माता पिता के लिये कोई संस्कार नहीं बचता है। यही संस्कार होते हैं जो उस बच्चे को नये माता पिता का सम्बन्धी बनाते हैं उसको अपने गोत्र में ले जाते हैं और उस बच्चे को इस बात का अधिकारी बनाते हैं कि जब उस के नये माता पिता मरें तो पिछदान करे और क्रियाकर्म करे।

मैं कहती हूँ कि जिस वातावरण में पल कर वह बच्चा इतना बड़ा हुआ, जहाँ उस की शिक्षा हुई, जहाँ उस का चरित्र और स्वभाव पक्का हुआ, विचार उस का

बन गया, उस की पसन्द और नापसन्द बन गई, सब दूसरी जगह जा कर नये माता पिता न उस को अपना सकते हैं और न वह ही उन को अपना माता पिता मान सकता है। यदि छोटा बच्चा गोद लिया जाय तो उस को माता पिता अपने साँचे में डाल सकते हैं, बड़े बच्चे को माना पिता अपने साँचे में नहीं डाल सकते और न वह उस को अपना समझ सकते हैं। यदि केवल सलिये बच्चा गोद लिया जाता है कि कोई अपना तमाम धन उस को गोद ले कर दे दे तो उस के लिये हमारे कानून में यह अधिकार दे दिया गया है कि कोई भी आदमी किसी को विल कर के अपना धन दे सकता है। हमारी एक बहन ने कहा कि अगर भतीजा हो और पन्द्रह वर्ष के अन्दर हो, उस का बाप जीवित न हो तो भाई गोद ले ले, मेरा यह कहना है कि उसे गोद लेने की क्या जरूरत है ? चाचा भी तो पिता के समान ही होता है, भतीजे को भी क्रिया कर्म करने का अधिकार है, अगर कोई चाहे तो विल कर के भतीजे को अपनी सम्पत्ति भी दे सकता है।

इसलिये इन सब बातों को देख कर मेरी तो राय यह है कि अधिक से अधिक छः या सात वर्ष तक के बालक को गोद लिया जाय। छः सात वर्ष तक के बालक को माता पिता अपने संचालन में रख सकते हैं और जो माता पिता कष्ट उठा कर बच्चे को १५ वर्ष का करेंगे वह उस को पूरी तरह से प्रेम करेंगे। १५ वर्ष का पुत्र तो कमाऊ पूत कहलाता है। एक व्यक्ति ने बीज बो कर पेड़ को बड़ा किया लेकिन जब उस की छांह में बैठने का समय आया तब वह उसे गोद दे दे अगर वही न रह जाय तो कैसे काम चलेगा क्योंकि उसे तो उस ने दूसरे को दे दिया। १५ वर्ष के बच्चे को गोद दे देने के माने तो यह है कि अपने बच्चे को दूसरे को गोद दे दिया महज इस सालच से कि दूसरे का धन मिल जाय। ऐसी स्थिति

में पुत्र को ही हमेशा यही खयाल बना रहेगा कि कब नये माता पिता का स्वर्गवास हो जाय और उन की प्रापर्टी उस को मिल जाय ।

इस बिल में यह भी कहा गया है :

"An adopted child shall be deemed to be the child of his or her adoptive father or mother for all purposes with effect from the date of the adoption and from such date....."

मेरा मुझाब है कि यहां पर राइट्स होना चाहिये और मैं कहती हूं कि यह बिल्कुल ठीक है

"all the ties of the child in the family of his or her birth shall be deemed to be severed and replaced by those created by the adoption in adoptive family."

मेरा यह विचार है कि १५ वर्ष का जो बच्चा होगा वह अपनी माता पिता की फ़ैमिली को छोड़ कर जहां पर कि उस का सारा बचपन बीता और उस ने युवावस्था में पदार्पण किया, जहां पर उस का प्रेम बन्धन होगा, कैसे एंटाटेड फ़ैमिली का बन सकेगा । यह चीज मेरी समझ में नहीं आती ।

दूसरी बात इस में यह कही गई है :

If the adoption is of a son, the adoptive father or mother by whom the adoption is made must not have a Hindu son, son's son or son's son's son (whether by legitimate blood relationship or by adoption) living at time of adoption;

मैं इस में यह बढ़ाना चाहती हूं कि:

after "son's son's son" insert "or daughter's son".

उपाध्यक्ष महोदय, हम ने सकसेशन बिल पास किया है, लड़की और लड़के को आप समान अधिकार देना चाहते हैं और आप ने दिये भी हैं, सम्पत्ति में आप ने लड़कों का हिस्सा रखा है और आप हर

पहलू से हिन्दू समाज को सुधारना चाहते हैं जब ये सारी बातें हैं तो क्या कारण है कि आप यहां पर लड़की के लड़के को शामिल नहीं कर रहे हैं । आप ने ज्वायंट हिन्दू फ़ैमिली खत्म कर दी है, आप ने पूंजीवादी व्यवस्था को समाप्त करने का इरादा किया हुआ है तो मेरी समझ में यह बात नहीं आती है कि जब लड़की का लड़का मौजूद है, तब आप गोद लेने की इजाजत क्यों देते हैं जबकि पड़पोता तक अगर मौजूद हो तो मनुष्य लड़का गोद नहीं ले सकता लेकिन लड़की के लड़के की मौजूदगी में लड़का को गोद लेने की इजाजत देते हैं । जबकि वह क्रियाकर्म भी कर सकता है और नाना की सम्पत्ति का अधिकारी भी है हमारे हिन्दू शास्त्र के मुताबिक तो क्या कारण है कि पिता उस को गोद न ले ।

आगे चल कर आप ने यह लिखा है कि

If the adoption is by a male and the person to be adopted is a female, the adoptive father is at least twenty-one years older than the person to be adopted.

उपाध्यक्ष महोदय, इस को भी मैं बिल्कुल गलत समझती हूं अगर यहां पर यह होता कि छः या सात बरस की लड़की को एंटाट किया जा सकता है तब तो यह ठीक था । लेकिन जब यह लिख दिया जाता है कि १५ बरस की लड़की को भी एंटाट किया जा सकता है और ऐसी हालत में जबकि बीबी मर गई है, बेवा न हो, शादी न की हो तो यह ठीक नहीं है । हम ने हिन्दु समाज में देखा है कि ३५-३५ और ३६-३६ बरस के आदमी १५-१५ बरस की लड़की के साथ शादी करते हैं । अब आप यहां पर यह रख रहे हैं कि ३५ बरस का आदमी १५ बरस की लड़की को एंटाट कर सकता है, यह ठीक नहीं है । अगर आप यहां छः सात बरस की लिमिट रख दें तो ठीक होगा । लेकिन अगर आप ने यह रखा कि ३५ बरस

[श्रीमती शिवराजवती नेहरू]

का आदमी १५ बरस की लड़की को एडाप्ट कर सकता है तो क्या यह उचित है।

उपाध्यक्ष महोदय : क्या यह जरूरी है कि वह १५ बरस की लड़की को ही एडाप्ट करे ?

श्रीमती शिवराजवती नेहरू : आगे चल कर आप ने लिखा है

"any property which vested in the adopted child before the adoption shall continue to vest in such person subject to the obligations, if any, attaching to the ownership of such property, including the obligation to maintain relatives in the family of his or her birth".

उपाध्यक्ष महोदय, यह भी मुझे ऐसा लगता है कि इस को बिना सोचे समझे रख दिया गया है। जब आप ने किसी को गोद दे दिया है क्या वजह है कि उस का हक अपने बाप की प्रापर्टी में बना रहे। इस की जगह पर मैं यह चाहती हूं कि यह इनसर्ट कर दिया जाय।

any property which vested in the adopted child before the adoption shall not continue to vest in such person.

और पोछे का जो हिस्सा है इस को उड़ा दिया जाय। जब उस का कोई हक प्रापर्टी में नहीं रहेगा तो उस की जिम्मेदारी भी कोई नहीं रह जायगी, उस का कोई उत्तरदायित्व नहीं रह जायगा। जैसे यह बलाज अब है उस का मतलब तो यह है कि बाप की प्रापर्टी में भी उस का हक बना रहे और जिस ने एडाप्ट किया है उस की प्रापर्टी में भी यह तो एक झगड़े की जड़ है, इस से तो लड़ाई-झगड़े ही बढ़ेंगे। यह जरूरी तो नहीं है कि जिस लड़के को गोद लिया जायगा उस का कोई भाई ही नहीं होगा। उस के दो तीन और भी भाई हो सकते हैं। जो जिम्मेदारी उठाएंगे—गोद दिये

हुए लड़के के बीच में बने रहने से दोनों कुटुम्बों में आपस में झगड़ा बढ़ेगा। तो जिस को एक बार गोद दे दिया उस का हक उस के बाप की प्रापर्टी में नहीं रहना चाहिये। इस में आगे चल कर कहा गया है कि एक जो लड़का है उस को दो या तीन मनुष्यों को एडाप्शन में नहीं दिया जा सकता है। जब आप ने इस कानून को बनाया है तो आप बतायें कि क्या आप ने दो मनुष्य बना दिये हैं या नहीं। बाप की प्रापर्टी में भी उस का हक होगा और एडाप्टिड फादर की प्रापर्टी में भी उस का हक होगा। इस तरह से उस को तीसरे मनुष्य को भी दिया जा सकेगा। इस तरह से उस का तीन तीन जगह पर भी हक बना रहेगा और लोग बालक गोद देने का एक व्यवसाय बना लेंगे और इस से फायदा उठाना शुरू कर देंगे।

जो जो सुधार इस बिल में मैं ने करने के लिये बताये हैं यदि वे कर लिये जायें तो ठीक रहेगा। दूसरा हिस्सा जो मेनटेंस के बारे में है, वह बिल्कुल ठीक है और मुझे उस से कोई एतराज नहीं है। यदि इस बिल में सुधार कर के उस को पास किया गया तो मुझे कोई एतराज नहीं होगा। लड़की की गोद लेने के बारे में मुझे कोई आपत्ति नहीं है। जब आज हम लड़के और लड़की को समान समझते हैं तो जिस तरह से लड़के को गोद लिया जा सकता है उसी तरह से लड़की को भी गोद लिया जा सकता है। परन्तु यह जो लड़की के लिये १५ बरस की आयु रखी गई है, यह मुझे बिल्कुल नापसन्द है। अभी माननीय मंत्री जी ने कहा कि पिछले जमाने में औरतें अपनी उम्र से भी बड़ी उम्र के लड़कों को गोद ले लिया करती थीं। तो उस बात को इस बिल के द्वारा उन्होंने ने कहा मिटाया है उस चीज को तो आप ने अभी भी कायम रखा है। अब औरतें नहीं गोद लेंगी तो पुरुष

गोद ले लेंगे। इस वास्ते मैं चाहती हूँ कि जो जो तरफोंमें मैं ने करने के लिये कही है, उनको मंजूर करने के बाद ही इस बिल को पास किया जाना चाहिये।

श्री नन्द लाल शर्मा (सीकर) :

धर्मोण शासिते राष्ट्रे न च बाधा प्रवर्तते,

ना धर्मो व्याधयश्चैव रामे राज्यं प्रशासति।

माननीय उपाध्यक्ष महोदय, विधि मंत्री महोदय ने पिछला इतिहास बताते हुए हिन्दू कोड बिल का यह अन्तिम चरण बताया है और इस को हिन्दू कोड का अन्तिम बार हिन्दू धर्म शास्त्र पर और हिन्दू जाति पर बताया है। मैं समझता हूँ कि इस सदन के अन्तिम दिनों में जबकि यह सदन स्वयं समाप्त होने जा रहा है शक्तिशाली दल का जनता के साथ और विशेष कर हिन्दू समाज के साथ यह एक बड़ा भारी विश्वासघात है। मैं फिर इस बात को दोहराता हूँ कि हमारे सदन के नेता और प्रधान मंत्री श्री जवाहरलाल नेहरू जी ने स्वयं अपने चुनाव क्षेत्र में इस बात को अनुभव किया और उन को मालूम पड़ा कि जनता हिन्दू कोड बिल के विरुद्ध है और उन्होंने जनता को आश्वासन दिया था कि वह जनता को भावना के विरुद्ध किसी प्रकार का कानून उस पर नहीं लादेंगे। आज लाखों नही बल्कि करोड़ों लोगों द्वारा इस का विरोध किये जाने के बावजूद और जबकि विशेष कर स्वयं इस सदन के सदस्य भी यहां पूरी संख्या में उपस्थित न हों और उन की संख्या बहुत ही कम दिखाई दे रही हो ऐसा आवश्यक विधेयक हमारे सिर पर और जनता के सिर पर लादा जा रहा है। इस चीज को मैं सब से अधिक दुर्भाग्यपूर्ण मानता हूँ। इस से भी बड़ा खेद मेरे मन में हमारे वर्तमान विधि मंत्री के लिये हो रहा है जिन के भाग्य में ये चारों-के चारों विधेयक पड़ गये और वह चाहें या न चाहें उन के सिर पर यह चीज आ पड़ी जैसेकि द्रौपदी के नग्न होते

समय कौरवों की सभा में द्रौण और भीष्म भी धर्मानुकूल कुछ नहीं कर सके और अन्त में उन के एक एक रोम में बाण लगे और उन को उस का उत्तर देना पड़ा। मैं समझता हूँ कि एक न एक दिन और वह दिन दूर नहीं जबकि कांग्रेस को भी इस के लिये पश्चाताप करना पड़ेगा।

उपाध्यक्ष महोदय : उस के अन्त की उस को बार बार याद दिलाना, यह तो कोई ठोक बात नहीं है।

श्री नन्द लाल शर्मा : अन्त जिस को याद नहीं रहता है, वह सब पाप करता है। जिस पुरुष को अपनी मृत्यु का स्मरण है, वह किसी के साथ अन्याय नहीं करता है —

उपाध्यक्ष महोदय : हर वक्त मृत्यु ही सामने रहे तो काम कैसे चले।

15 rs.

श्री नन्दलाल शर्मा : उपाध्यक्ष महोदय, मुझे आप क्षमा करेंगे यदि मैं यह कहूँ कि यह दृष्टि ही मृत्यु लाने वाला है। यदि मृत्यु का भय न हो तो एडाप्शन की आवश्यकता कभी न पड़े।

हमारे विधि मंत्री महोदय ने बार बार दत्तक मीमांसा और दत्तक चंद्रिका का नाम उल्लेख किया है। उन्होंने ने एक केस का भी उल्लेख किया, जिस के आधार पर उन्होंने ने अपने इस कार्य के औचित्य को सिद्ध करना चाहा, हालांकि साथ ही उन्होंने ने स्वयं ही यह भी कह दिया कि अपील में वह केस नष्ट हो गया और एपिलेट अथारिटी ने उस को स्वीकार नहीं किया। मैं यह निवेदन करना चाहता हूँ कि मुझे एपिलेट अथारिटी अथवा कोलम्बुक से कोई सम्बन्ध नहीं है। मैं तो श्री विधि मंत्री महोदय से यह पूछना चाहता हूँ कि क्या वह केवल वितंडावाद के आधार पर चलते हैं या वाद के किसी आधार को स्वीकार करते हैं। यदि वह दत्तक-मीमांसा और दत्तक

[श्री नन्दलाल शर्मा]

चंद्रिका के आधार पर चलना चाहते हैं, तब तो उनको उन ग्रंथों को कोट करने का अधिकार है, लेकिन तथ्य यह है कि उन की ६६ प्रतिशत बातों का आप विरोध करते हैं, परन्तु कन्या को दत्तक ग्रहण करना आप उसमें से सिद्ध करने की चेष्टा करते हैं, जिस को दायभाग स्कूल ने स्वीकार नहीं किया, मिताक्षरा स्कूल ने स्वीकार नहीं किया और भारत के एक कोने से ले कर दूसरे कोने तक हिन्दू जाति ने स्वीकार नहीं किया। दत्तक मीमांसा और दत्तक चंद्रिका में इस प्रकार की जो व्यवस्था की गई है, वह वहां के लिये की गई है, जहां इस प्रकार की परम्परा विद्यमान हो और उस परम्परा की रक्षा के लिये ही इस की आज्ञा दी है।

मंत्री महोदय ने महाराज दशरथ का भी नाम लिया। इस के लिये ग्रन्थों में वर्णन है :

कन्यां दशरथो राजा शान्तां नाम व्यजीजनत् ।
अपत्यकृत्तिकां राज्ञे रोमपादाय यां ददौ ॥

उन्होंने ने महाराज रोमपाद को शान्ता दत्तक के रूप में दिये जाने का उल्लेख किया, लेकिन अगर वह हिन्दू इतिहास से यह सिद्ध कर सकें कि शान्ता रोमपाद की दत्तक थी और उस की दत्तक के रूप में टूट किया गया, तो न केवल इस विषय में बल्कि बाकी सब विषयों में भी हम आप से हार स्वीकार करने को तैयार होंगे। प्राचीन हिन्दू धर्म-शास्त्रों में कन्या के दत्तक-ग्रहण की कोई व्यवस्था नहीं है और न ही कन्या सम्पत्ति की उत्तराधिकारिणी समझी जाती है। एक विशेष बात थी, जिस के कारण शान्ता रोमपाद के यहां गई। ज्योतिषियों ने बताया था कि यदि वह अपनी पुत्री का विवाह किसी दिव्य ऋषि से कर देंगे, तो उन को पुत्र की प्राप्ति होगी। चूंकि दशरथ और रोमपाद अभिन्न मित्र थे, इसलिये शान्ता

को रोमपाद के यहां भेज दिया गया, परन्तु वहां पर उस का रोमपाद के राज्य या सम्पत्ति से कोई सम्बन्ध नहीं रहा। बाद में जब ऋष्यश्रंग के साथ उस का विवाह कर दिया गया, तो रोमपाद को पुत्र की प्राप्ति हुई। इन ऐतिहासिक तथ्यों से कोई इन्कार नहीं कर सकता है और यह कहना नितान्त गलत है कि रोमपाद ने शान्ता को दत्तक के रूप में अपने यहां रखा।

फ्रंट चैप्टर की धारा १ से ले कर ४ तक के बारे में आप ने कहा है कि ये तो वही धारायें हैं, जोकि पहले थीं। मैं समझता हूं कि जो शलती आप पहले एक बार कर चुके हैं, उस को आप बार बार दोहरा रहे हैं। न्यूयार्क में प्रकाशित एक पुस्तक रिलिजस लीडर्ज को यहां पर पुनः छपवाया गया और उस के परिणामस्वरूप आप की क्या दुर्दशा हुई और आप सभी के सभी क्षमा मांगते फिरे, नाक रगड़ते फिरे। इस की तुलना में हिन्दू जाति कितनी शान्त है। आप खुल्लम-खुल्ला यह कहने का दुस्साहस रखते हैं कि हम सभी टेक्स्ट्स इंटरप्रीटेशन और ट्रेडीशन को रिपील करते हैं और हिन्दू जाति मुरदे के समान आप को सहन कर रही है। मैं यहां पर स्पष्ट तौर पर यह कह देना चाहता हूं कि शास्त्र-हत्या का पाप आप के सिर पर है, सदाचार-हत्या का पाप आप के सिर पर है, गो-हत्या के पाप के भागी आप हैं, मातृ-भूमि की हत्या के पाप की ज़िम्मेदारी आप पर है, जिस का फल किसी न किसी दिन आप को अवश्य मिलने वाला है। आज आप को पता नहीं चलता है कि ईश्वर है या नहीं। आप के अन्धायपूर्ण कृत्यों को हिन्दू जाति शान्ति से सहन करती है और आप उस की इच्छा के विरुद्ध निरन्तर एक के बाद एक कानून उस के सिर पर लाद रहे हैं।

उपाध्यक्ष महोदय : इतने कोप में आ कर आप नहीं देना चाहिये।

श्री पाटस्कर : इलैक्शन नजदीक आ गये हैं ।

श्री नंद लाल शर्मा : श्रीमान्, मैं आप के धर्मचक्र का सब से बड़ा उपासक हूँ, जोकि आप के सिर के ऊपर विराजमान है और इसी कारण से आप जो भी शब्द कहेंगे, उन के आगे सिर झुकाना मेरा कर्तव्य है, क्योंकि आप को धर्मसिन् प्राप्त है ।

म निवेदन करूंगा कि :

न छोड़े ऐ नगहते बादे बहारी
राह चल अपनी,
तुझे भठखेलियां सूझी हैं,
यां बेजार बैठे हैं ।

पहले दिन से ले कर आज तक हिन्दू जाति के साथ जो व्यवहार किया जा रहा है उसके विरुद्ध मैं अपने रोष को प्रकट कर रहा हूँ । इस सम्बन्ध में मैं श्री कैलाश बिहारी लाल के मिनट आफ डिसेन्ट के कुछ शब्दों को आप के समक्ष प्रस्तुत करना चाहता हूँ ।

"The principles of Hindu Law, which have been tested on the touch stone of universal morality and applicability and have been found to be sound and if they are progressive and helpful to the cause of advancement of culture and civilization, I see no reason why they should not be incorporated and enacted into a Code of Law intended for the whole of the nation."

आज आप की सारी की सारी शक्ति, सारे का सारा क्रोध हिन्दू जाति के विरुद्ध है । जिन बातों का हिन्दू धर्म से कोई सम्बन्ध नहीं है, उस की कोई स्वीकृति नहीं है, उन के ऊपर हिन्दू की मोहर लगा कर उन को हिन्दुओं के सिर पर लादा जा रहा है ।

इस के अतिरिक्त इस बिल के द्वारा दत्तक होम को बीच में से हटा दिया गया

है । कहा गया है कि अब उस का विचार करना जरूरी नहीं है । मैं यह जानना चाहता हूँ कि एक व्यक्ति के गोत्र और कुल को बदलने का अधिकार कौन सी विधि के अनुसार दिया जायगा । हिन्दू धर्मशास्त्र में इस की व्यवस्था कहाँ है ? मैं यह बता देना चाहता हूँ कि श्री पाटस्कर तो क्या, उन जैसे और उन से दस गुना बड़े भी अगर मस्तिष्क इकट्ठे हो जायें, तो भी हिन्दू जाति उन के द्वारा बताये हुए हिन्दू धर्मशास्त्रों के धर्मों को स्वीकार करने के लिये तैयार नहीं होगी । उन को कम से कम यह प्रमाण देना पड़ेगा कि कौन सी विधि के आधार पर आप ने इस विधेयक में बच्चे के गोत्र और कुल को बदलने का अधिकार रखा है ।

एक माननीय सदस्य : अब जात-पात छोड़नी पड़ेगी ।

श्री नंदलाल शर्मा : I am speaking of Hindu Law

क्लाज ८ में ये शब्द हैं—

"Any female Hindu who—

(a) is of sound mind,

(b) is not a minor, and

(c) is not married, or if married, the marriage has been dissolved or the husband is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind, has the capacity to take a son or daughter in adoption."

मुझे बड़ा अचम्भा होता है कि हिन्दू जूरिसप्रुडेंस के सामान्य सिद्धान्तों का ज्ञान भी नहीं रखा गया है । आखिर अविवाहित लड़की पुत्र-प्राप्ति का अधिकार—कैपेसिटी—कैसे प्राप्त करेगी बिना पुरुष के ? जिस पुरुष के साथ उस का विवाह नहीं हुआ, उस के द्वारा वह पुत्र कैसे प्राप्त कर लेगी

श्री नंद लाल शर्मा

और अगर कर लेगी, तो वह बच्चा किस प्रकार लेजिटिमेट चाइल्ड माना जायगा और अगर लेजिटिमेट चाइल्ड नहीं माना जायगा, तो वह फिर लीगल एयर कैसे माना जायगा और कौन से गोत्र, कुल से उस का सम्बन्ध होगा ? इन सब बातों का ख्याल न कर के एक अन्धेरखाले की खिचड़ी हिन्दू जाति पर लाद दी गई है और अनमैरिड बोमैन, विडो को गोद लेने का अधिकार दे दिया गया है ।

माननीय सदस्या, श्रीमती शिवराजवती नेहरू, ने भी कहा कि ३६ वर्ष का पुरुष या ३६ वर्ष की स्त्री एक पन्द्रह वर्ष के लड़के या पन्द्रह वर्ष की कन्या को गोद में ले सकते हैं । यह बड़े अचम्भे की बात है । पन्द्रह वर्ष की लड़की प्युबर्टी की एज को प्राप्त कर चुकती है । वह श्रुतमती की सीमा को पार कर जाती है । एक ३६ वर्ष के पुरुष के द्वारा, जिस की युवावस्था ढली नहीं होती, जोकि अभी वृद्ध नहीं हुआ होता, उस का एडाप्ट किया जाना जाति और समाज के लिये कितने भयंकर दुष्परिणाम उत्पन्न करेगा, यह समझने की बात है । हम यह नहीं कहते कि सभी के सभी पापी हो गये हैं, लेकिन हम यह भी मानने के लिये तैयार नहीं हैं कि सभी आप जैसे महात्मा हो गये हैं । अगर इस तरह कोई दोष उत्पन्न होता है, तो उस का भागी कौन रहेगा ?

इस बिल में शब्द "चाइल्ड" रखा जा रहा है, जबकि पंद्रह वर्ष तक तो बालक युवावस्था को प्राप्त कर लेता है । यहां पर शब्द "बेबी" या "इन्फेंट" नहीं रखा गया है । तो शब्द तो आप "चाइल्ड" को रख रहे हैं और उस की अवस्था रख रहे हैं १५ वर्ष । इस अवस्था में वह कौमार को पार कर रहा होता है और १६ वर्ष का हो कर वह यौवन को प्राप्त करता है । इसी अवस्था में अभिमन्यु आदि का तो विवाह होना बतलाया गया है । आपका कानून समझ में

नहीं आता कि इस अवस्था में उसे किस प्रकार एडाप्ट किया जाये । दत्तक ग्रहण के अन्दर सब से मुख्य यही सिद्धान्त विद्यमान था कि कौन पुरुष अपनी जाति और गोत्र के अनुसार किस स्त्री से सन्तान उत्पन्न करने का अधिकार रखता था । जो पुरुष जिस स्त्री के साथ विवाह कर के उस से पुत्र उत्पन्न नहीं कर सकता उस स्त्री के पुत्र को वह कभी भी गोद नहीं ले सकता । यह एक सिद्धान्त था । यहां आप ने उन समस्त नियमों को तोड़ कर के इस कानून को हिन्दू कानून का नाम दे दिया है । और हिन्दू का लक्षण क्या है वह स्वयं उन की समझ में ही नहीं आता है । अन्ततोगत्वा जो भी अदालत के सामने अपने को हिन्दू कह देगा वही हिन्दू माना जायेगा, वह एडाप्ट भी किया जा सकेगा और एडाप्ट भी कर सकेगा । ऐसी परिस्थिति में जाति की रक्षा कौन करेगा यह नाराज ही जाने ।

धारा १३ में यह दिया हुआ है :

"Subject to any agreement to the contrary, an adoption does not deprive the adoptive father or mother of the power to dispose of his or her property by transfer inter vivos or by will."

मेरी तो समझ में नहीं आया कि फिर एडाप्शन की आवश्यकता ही क्या रह गई । इस में तो मैं देखता हूँ कि एडाप्शन के परपत्र को ही नष्ट कर देने वाली एक धारा विद्यमान है । जब मेरे पीछे मेरा कौन उत्तराधिकारी होगा इस का कोई सवाल नहीं है तो फिर एडाप्शन का क्या अर्थ रह गया । आप कहते हैं कि उस के नेचुरल अर्थ के कारण हम एडाप्शन का नियम बनाते हैं । आदमी की यह स्वाभाविक इच्छा होती है कि मेरे बाद मेरी सन्तान मेरी सम्पत्ति की मालिक हो । लेकिन अगर कोई दत्तक ग्रहण करने के बाद अपनी सम्पत्ति को किसी और के नाम

कर दे, तो वह एडाप्टेड चाइल्ड किस की जान को बैठा रोया करेगा। मिताक्षरा के जन्मसिद्ध अधिकार को उन्होंने नष्ट कर दिया। आज जो एडाप्टेड पुत्र या पुत्री हो उस के अधिकार को भी नष्ट कर रहे हैं। पिंड दान आदि उन को अभीष्ट नहीं हैं, न उन को तर्पण आदि अभीष्ट हैं। पिंड किसी नियम के अनुसार ही मिलता है। श्रीमद्भगवद्गीता स्पष्ट बताती है :

संकरो नरकायैव कुलघ्नानां कुलस्य
यव, पतन्ति पितरोह्येषां लुप्त पिंडोदकक्रियाः।

जहां वर्णसंकर संतान होती है उस का किया हुआ पिंड अथवा तर्पण माता पिता को नहीं मिल सकता और वे नर्क के भागी होते हैं। लेकिन पाटस्कर जी के सिद्धान्त में परलोक का सम्बन्ध नहीं है। हमारे यहां कहा है : "पुत्रा नरकात् त्रायते इति पुत्रः"।

An Hon. Member: You should address the Chair.

Mr. Deputy-Speaker: At least on this occasion allow him to address somebody else!

Shri Pataskar: I must undertake the liability to visit any place.

Shri Nand Lal Sharma: With due deference, I have not addressed any person except your good self.

Mr. Deputy-Speaker: Yes, yes. I accept that.

Shri Nand Lal Sharma: And through you I have been addressing the House and to some extent the Minister in charge.

तो मैं यह निवेदन कर रहा था कि उन्होंने ने पुत्र शब्द का एटोमालीजीकल अर्थ ही नष्ट कर दिया। जो पुत्र नाम नर्क से अपने माता पिता को बचाता है वह पुत्र कहा जाता है। बाकी बच्चे तो गधे, कुत्ते आदि सब के ही होते हैं। जो व्यक्ति परलोक

का ध्यान रख कर पुत्र उत्पन्न करता है उसी सन्तान को पुत्र कहा जा सकता है। यदि किसी पुरुष को अपने शरीर द्वारा इस प्रकार के औरस पुत्र की प्राप्ति न हो सके, उस को नर्क से बचाने के लिये और उस का परलोक सुधारने के लिये दत्तक का विधान शास्त्र-कारों ने रखा था। उस दत्तक का उद्देश्य हमारे मंत्री जी की दृष्टि में बहुत नहीं है और वह समझते हैं कि हमें यह सब यूनिफार्मिटी लाने के लिये करना है। लेकिन मैं कहता हूं कि आप ने यूनीफार्मिटी तो पहले ही नष्ट कर डाली। आप ने इस कानून को जम्मु और काश्मीर तक बढ़ाया नहीं। आखिर वहां भी हिन्दू रहते हैं और वे उतने ही हिन्दू हैं जिनके कि यहां रहने वाले हिन्दू। दुर्भाग्य से कुछ हिन्दू आज भी पूर्वी और पश्चिमी पाकिस्तान में रह रहे हैं। कुछ हिन्दू सैकड़ों वर्ष से अफगानिस्तान में रहते चले आ रहे हैं। उन सब के लिये आप ने इस कानून को लागू नहीं किया। यह पाटस्कर स्मृति केवल हिन्दुस्तान में रहने वाले हिंदुओं पर ही लागू की जायेगी। इस प्रकार आप की यूनीफार्मिटी भी नष्ट हो गई और आप का उद्देश्य भी समझ में नहीं आता। इस-लिये मेरा निवेदन है कि यह धारा १३ अपने उद्देश्य को पूरा नहीं करती और न किसी प्रकार का भ्रामे का कृत्य सिद्ध करती है।

इसी प्रकार धारा १४ में लिखा है कि एक अविवाहिता लड़की अथवा विधो एडाप्ट कर ले, और उस के बाद यदि उस का विवाह हो जाये तो वह जो नया बाप होगा वह भी उस लड़के या लड़की का भी बाप होगा जिस को कि गोद लिया गया है। यह चीज विचित्र सी मालूम देती है। मान लीजिये कि किसी अविवाहिता लड़की ने गोद लिया पर उस ने भ्रामे अपना विवाह नहीं किया, तो फिर वह लड़का या लड़की बिना बाप के ही रहेगी। यानी संसार में एक नई पद्धति चलेगी, श्री पाटस्कर स्मृति द्वारा, कि केवल

[श्री नंद लाल शर्मा]

माता के द्वारा अथवा केवल पिता के द्वारा पुत्र अथवा पुत्री पैदा होगी। ऐसे लड़के लड़की होंगे कि जिन का कोई बाप नहीं होगा, अथवा जिन की कोई माँ नहीं होगी। इस प्रकार की संतानें हम को इस कानून के द्वारा प्राप्त होंगी। मुझे यह देख कर बड़ा खेद होता है। हमारे यहाँ दत्तक का यह सिद्धान्त था कि यदि कोई पुरुष एकापट करता था तो वह यह देखता था कि उस स्त्री की सन्तान को गोद ले जिस के सन्तान उत्पन्न करने में उस को पाप न लगता हो। ऐसी स्त्री के पुत्र को वह लेता था, और उस पुत्र को वह स्त्री अपने पति द्वारा प्राप्त करती थी। इस प्रकार उस का पतिव्रत भी भंग नहीं माना जाता था। यदि कोई विधवा स्त्री एक लड़का गोद लेती है और बाद में वह विवाह कर लेती है तो पाटस्कर जी के अनुसार उस के दो बाप हो जायेंगे। इस प्रकार के परिवर्तन कर के हिन्दू ला में श्री पाटस्कर जी ने ऐसा गड़बड़ घोटाला कर दिया है कि जिस को यह महानुभाव स्वयं भी नहीं समझ रहे हैं। यह कानून हिन्दू जाति पर थोपा जायेगा और फिर चार दिन बाद ही यह इस के प्रमैडमेंट के लिये आवेग और कहेंगे कि इस ला से हमारा काम नहीं चलता। किन्तु इस के पूर्व हमारा शास्त्रीय कानून लाखों वर्षों से चला आ रहा है। उस में अभी तक कोई प्रमैडमेंट की आवश्यकता नहीं पड़ी। लेकिन आप जो कानून बनाते हैं उस में खोले खोले पदे पदे आप संशोधन लाते हैं।

अब मैं दत्तक के प्रकरण को छोड़ता हूँ और भ्रूणहत्याकारी यानी मेनटिनेन्स के सम्बन्ध में कुछ कहना चाहता हूँ।

मैं केवल इतना फिर कह देना चाहता हूँ कि दशरथ का नाम ले कर और शान्ता का नाम ले कर हिन्दू जाति के इतिहास के साथ उपहास किया जाता है और हिन्दू जाति के इतिहास को न जानने का अपना

प्रमाण दिया जाता है। यदि यह सिद्ध किया जा सके कि शान्ता को किसी प्रकार का उत्तराधिकार महाराज रोमपाद की सम्पत्ति में मिला तब हम कह सकते हैं कि शान्ता महाराज रोमपाद की दत्तक थी। वह तो केवल स्नेह वश हो कर अपने मित्र को कन्या देना था और महाराज दशरथ और महाराज रोमपाद की एक ही प्रवस्था है। इस के प्रतिरिक्त महाराज दशरथ को हिन्दू धर्म शास्त्र के अनुसार जिसे आप इंटरप्रेट करने की चेष्टा कर रहे हैं उन को आप के ही सिद्धान्त से दत्तक देने का अधिकार नहीं था क्योंकि महाराज दशरथ के कोई संतान नहीं थी और जिस व्यक्ति की अपनी कोई संतान नहीं वह अपने कुल का नाश कर के दत्तक नहीं दे सकता और वहाँ पर तो दत्तक देने का प्रयत्न ही नहीं था। इसलिये शान्ता का उदाहरण हमारे सामने उपस्थित नहीं होता।

भ्रूणहत्याकारी के सम्बन्ध में उपाध्यक्ष महोदय मैं आप को आज्ञा से दो शब्द कह देना चाहता हूँ। इस सम्बन्ध में मैं हिन्दू धर्म शास्त्र के नाम पर तो अभील नहीं कलंगा यद्यपि हमारा जीवन और हिन्दू जाति का जीवन हिन्दू धर्म शास्त्र पर निर्भर है। मैं उस को इस समय छोड़ता हूँ। केवल हिन्दू परिवार का सर्वनाश करने के लिये यह आप की धारणें चली हैं ऐसा मैं समझता हूँ। धारा १८ के अन्तर् एक स्त्री को अपने पति से अलग रह कर उस से भ्रूणहत्याकारी प्राप्त कर के अधिकार दिया गया है और उस में यह कारण बतलाये हैं

'desertion cruelty, virulent form of leprosy, second wife, concubine or conversion.'

और आपने लिखा है

'any other cause justifying her living separately'.

अब यह "ऐनी अदर काज" अंधेरखाते में छोड़ देता है और उस के मातहत किसी

भी प्रीटैक्स्ट बहाने पर पत्नी अपने पति का परित्याग कर सकती है। पत्नी कह सकती है कि उसे पति की मूछ गढ़ती है अथवा कि उस का पति रात को स्नोर करता है रात को खुरटि लेता है, इसलिये मैं इस के साथ नहीं रह सकती, मुझे रात भर नींद नहीं आती और मैं कल भर जाऊंगी और इस तरह सैप्रेट लिविंग के लिये यह एनी अदर काज धच्छा करवा है और इसलिये यह शब्द "एनी अदर काज" मेरी समझ में नहीं आये। इसी तरह क्लैलिटी और डैजरशन और ऐसे कितने ही कारण बनाये जा सकते हैं जो हिन्दू परिवार के जीवन को नर्क बना देंगे। हमारे यहां तो याज्ञवल्क्य महाराज ने भ्रणाधिकार के सम्बन्ध में स्पष्ट रूप से इस प्रकार कहा है :

"भाज्ञासम्पादिनीं दक्षां वीरसूत्रप्रियवादिनीम् ।
स्वजन्दाप्यस्तुत्तीयांशमशक्तोभरणं स्त्रियः ॥"

जो स्त्री पति की भाज्ञा में रहने वाली है, जो दक्ष है जो पुत्र को जनने वाली है, प्रियवादिनी है, जो पुरुष स्वार्थवश भा कर ऐसी स्त्री का अधिवेदन करता है, राजा को चाहिये कि वह ऐसे पुरुष को दंड दे कर उस की सम्पत्ति का तीसरा भाग छीन कर उस स्त्री को दे दे और यदि वह ऐसा नहीं करता या उस के पास इस के लिये शक्ति नहीं है तो भ्रणाधिकार स्त्री को देना चाहिये, मॅनेटेन्स उस स्त्री को देना चाहिये। आप यहां हिन्दू परिवार में इस तरह के नाश के बीज बो कर समझते हैं कि हिन्दू जाति के कल्याण के लिये और यूनिफ़ार्मिटी के लिये आप यह सा बना रहे हैं ?

इसी तरह मुझे इस १८वीं धारा की उपधारा ३ की भाषा समझ में नहीं आई और मैं चाहूंगा कि विधि कार्य मंत्री महोदय उस का स्पष्टीकरण करें। उस में इस प्रकार लिखा हुआ है :

18 (3) A Hindu wife shall not be entitled to separate residence and

maintenance from her husband if she is unchaste or ceases to be a Hindu by conversion to another religion.

मैं चाहता हूं कि उपाध्यक्ष महोदय इस पर ध्यान दें कि कितनी अशुद्ध यह भाषा है

'If she is converted to any other religion or if she is of an unchaste character, then she will not be entitled to separate residence'.

यह कहा जा सकता था कि She will not be entitled to maintenance परन्तु सैप्रेट रेजिडेंस और सैप्रेटलिविंग उस की है जिसने कि अपना धर्म परिवर्तन कर लिया अथवा या जो अपवित्र चरित्र की है उस को पति अपने पास कैसे रख लेगा यह समझ में नहीं आया और उस भाषा से इस का स्पष्टीकरण नहीं होता।

इसी प्रकार से क्लॉज २० में एजेंड और इनफ़र्म पेरेंट्स के सम्बन्ध में मैं ने कई बार निवेदन किया और मुझे बड़ा खेद होता है कि आज जिन के कि हाथ में हमारी बागडोर है, जो हमारे भाग्य विधाता लोग हैं, वे हिन्दू जाति के जीवन अथवा विशेष कर के उत्तर भारत में हिन्दू जाति के जीवन से संबंध अपरिचित हैं। यह समझ में नहीं आया कि इस का क्या कारण है कि एक विवाहिता कन्या जिस का कि अपने हाथ से उस के पिता माता अथवा उस का बड़ा भाई या काका दूसरे गोत्र में विवाह करते हैं, उस कन्या के घर का जल पीना भी हमारे यहां पाप समझा जाता है, उस के गांव में पानी नहीं पीते हैं, उस कन्या के घर का अन्न नहीं खाते, उस के लिये कहा जाता है कि उस कन्या के घर में से अगर उस के माता पिता बुढ़ अथवा इनफ़र्म हों तो उस कन्या की प्राय में से उन का भरण पोषण हो सकता है, यह हिन्दू जाति के साथ कैसा उपहास किया जा रहा है। मैं बड़ी नम्रता के साथ निवेदन करूंगा कि ऐसा

(श्री नंद लाल शर्मा)

करना हिन्दू परम्परा, हिन्दू सदाचार और हिन्दू शास्त्रों से सर्वथा अनभिज्ञता का परिचय देना है। वह वस्तु जिस को कि एक बार अपने हाथ से दान कर दिया वही दान की वस्तु में खाने बैठ जाऊं, यह कितना भ्रवांछनीय है और ऐसा उस हिन्दू जाति से कराने का विचार रखना जिस हिन्दू जाति के सामने राजर्षि नृग का इतिहास विद्यमान है जिन्होंने कि अपनी एक गऊ एक ब्राह्मण को दान कर दी थी और दुबारा वही गऊ दूसरे व्यक्ति को भूल से दान कर दी और इतिहास साक्षी है कि इस श्रुति के कारण उन को कितना दुःख भोगना पड़ा था, सरासर हिन्दू जाति के साथ उपहास करना है और ऐसा रख कर हिन्दू ला के साथ भ्रंशरगर्दी की जा रही है।

इसी प्रकार से अब मैं दो शब्द और कह कर अपना भाषण समाप्त करूंगा और उस को बहुत बढ़ाऊंगा नहीं। लैजिस्लेट चाइल्ड के सम्बन्ध में जो यह कहा है कि He will also be a charge on the parents मैं समझता हूँ कि मनु का कोटेशन इंग्लिश ट्रान्सलेशन में दिया था और मुझे बहुत प्रसन्नता नहीं होती कि आप मनु को कोट कर रहे हैं। मैं समझता हूँ कि आप के लिये मनुस्मृति, दत्तक चरित्रिका और दत्तक मीमांसा के सम्बन्ध में कुछ कहना और उन में से स्क्रिपचर्स कोट करना डेनियल कम टु जजमेंट के समान होगा क्योंकि वे महानुभाव इन स्क्रिपचर्स पर पांव रख कर उन का सर्वथा नाश करने को उद्यत रहते हैं। मैं उन की बात को समझ सकता था यदि वे मनु को कोट करते हुए यह भी कह डालते कि मैं मनु को स्वीकार करता हूँ। लेकिन मैं यहां पर देख रहा हूँ कि मनु का हास्य हो रहा है और मनु की कोई पर्वाह नहीं की जा रही है और यह कहा जा रहा है कि इतने लोग हैं जो मनु को नहीं मानते। They are not governed by Hindu shastras. मैं पूछता हूँ कि हिन्दू

ला किस के लिये होगा, यह मुझ को समझ में नहीं आया।

इस के साथ साथ धारा २७ जहां पर इस प्रकार लिखा हुआ है :

"A dependant's claim for maintenance under this Act shall not be a charge on the estate of the deceased or any portion thereof, unless one has been created by the will of the deceased, by a decree of court, by agreement between the dependant and the owner of the estate of portion, or otherwise."

मैं समझता हूँ कि जितना परिश्रम श्री पाटस्कर ने पिछली धाराओं में आश्रितों के भरण पोषण के लिये ला बनाने में किया, वह सब इस एक धारा के द्वारा ले लिया। अगर किसी का भरण पोषण, किसी की संतान का भरण पोषण, मेरे द्वारा या किसी और व्यक्ति के द्वारा होना चाहिये और वह व्यक्ति मर गया और सम्पत्ति के ऊपर भरण पोषण का चार्ज है नहीं तो बच्चे कहां जायेंगे, उन की क्या दुर्दशा होगी भ्रत में, वह कहां से खायेंगे, मैं समझता हूँ कि इस बिल से जितने भी बेनिफिट विये हुए हैं वह हट जायेंगे।

इन सब वस्तुओं को देखने के बाद मुझे तो जरा भी आशा नहीं होती कि इस बिल के द्वारा हिन्दू जाति का कोई भी कल्याण होने वाला है। और मैं बड़ी नम्रता से निवेदन करूंगा, पहले तो न्याय मंत्री महोदय से कि इस विधेयक को लौटा लेवें, और नहीं तो सदन से कि कम से कम हिन्दू जाति पर छूपा करें। मैं कह सकता हूँ कि आप की कमेटी में एक भी ऐसा व्यक्ति नहीं था जो हिन्दू शास्त्र के पक्ष में बोलने वाला हो। आप केवल एक पक्ष के ही लोगों को लेने की चेंप्टा कर रहे हैं। मैं ने मिनिट्स आफ डिसेंट में देखा कि यह सनातनियों को

मारने के लिये किया गया। मैं पूछता हूँ कि जिस पक्ष को आप ने मारने की चेष्टा की, Have you given the accused any benefit of doubt आप के मन में हिन्दू शास्त्रों के प्रति जो शंका है उस को हटाने का कोई अवसर आप ने सनातनियों को दिया? मैं समझता हूँ कि आप अपने घर में बैठ कर सदन में मतदाताओं के बल पर बहुमत से इस चीज को हिन्दू जाति पर थोपना चाहते हैं, यह अन्याय है। मैं चाहता हूँ कि भगवान आप को सुबुद्धि दे और आप इस को लौटा लें। अगर आप नहीं लौटाते तो मेरा विश्वास है कि भले ही यह हिन्दू शास्त्रों पर आघात हो, आप हमारे खून का भी टैंक्स ले सकते हैं, लेकिन स्मरण रहे कि साढ़े नौ लाख वर्ष बीतने पर भी हम रावण का पुतला प्रतिवर्ष जलाते हैं, खून का टैंक्स दे कर भी हम आज तक साढ़े नौ लाख वर्ष के बाद भी हर साल रावण से बदला लेते हैं, यदि आप ने हिन्दू जाति पर इस प्रकार से आघात किया तो हिन्दू जाति अवश्य ही इस का प्रतिफल देगी।

इन शब्दों के साथ मैं आप का धन्यवाद करता हूँ।

पंडित ठाकुरदास भार्गव : जनाब डिप्टी स्पीकर साहब, इस बिल के विषय श्री बंद लाल शर्मा ने जो कुछ कहा वह बड़े जोर के अफ्काज में कहा और शास्त्र का प्रमाण दे कर और शास्त्र की रू से कहा। मैं तो शास्त्रों से वाकिफ नहीं हूँ और मैं भी उसी किस्म के क्यालात रखने वाला हूँ जैसे कि आनरेबल मिनिस्टर साहब और दूसरे साहब रखते हैं। लेकिन मैं भी इस बिल के अन्दर ऐसी चीजें देख रहा हूँ जिन की मुझे कभी भी उम्मीद नहीं थी और मैं हैरान हूँ कि किस तरह से राज्य सभा ने ऐसा बिल पास कर दिया।

इस बिल के दो हिस्से हैं, एक तो मेटेनेन्स से ताल्लुक रखता है और दूसरा एडाप्टान से। मेटेनेन्स के बारे में कि उस में क्या नुक्त हैं मैं आखिर मजिद करूंगा। पहले मैं कुछ बातें

एडाप्टान के बारे में अर्ज करना चाहता हूँ। आज हिन्दुस्तान में जो एडाप्टान राज है वह कई तरह का है। आम तौर पर हिन्दू ला के मुताबिक या तो दत्तक प्रथा है या कृत्रिम तरह का है, या इन दोनों को छोड़ कर, खास तौर पर पंजाब के अन्दर, एंवाइंटमेंट आफ ऐन एअर है। जिस वक्त हम ने अपना संविधान बनाया, उस वक्त उस में एक दफा रक्खी थी कि हम सारे देश के वास्ते एक यूनिफार्म सिविल कोड बनाने की कोशिश करेंगे, और यह एक निहायत मुबारक स्थाल था। मैं जानता हूँ कि जहाँ तक सब बिरादरियों का सवाल है, हिन्दुस्तान में कुछ भी हुआ ही सब न एक दूसरे का असर लिया। हिन्दू ला पर क्रिश्चियन ला का, क्रिश्चियन ला पर मुसलिम ला का और मुसलिम ला पर हमारा बेहद असर पड़ा है और आहिस्ता आहिस्ता हम यूनिफार्मिटी की तरफ बढ़ रहे हैं। आज बहुत सी बातें ऐसी हैं जो कि हम पर असर कर के हम को यूनिफार्मिटी की तरफ ले चल रही हैं। हिन्दुओं में जो शास्त्रों की इजाजत थी कि एक से ज्यादा बीवियां हो सकती हैं, उस को हम ने बन्द कर दिया, हम ने इसाईयों के अन्दर जो मोनागामी जायज थी उस उसूल को माना। हमें अपने कानून में यह कमी नजर आती थी कि लड़की को जायदाद में हिस्सा नहीं मिलता था, उस के लिये मुसलमानों की शरियत के असूल के मुताबिक तब्दीली कर के लड़की को जायदाद में हिस्सा देना शुरू किया। गो हम ने हर एक चीज की नकल नहीं की, लेकिन जो चीज हम को बहतरी की मालूम हुई देश के वास्ते, उस को लेने में हम ने परहेज नहीं किया। इसी तरह से मैं जानता हूँ कि क्रिश्चियन ला में और मुसलिम ला में हिन्दू ला का बेहद असर आया। लेकिन चूंकि वह इस वक्त जर्मन नहीं है इस वास्ते मैं उसका जिक्र नहीं करता। तो हमारी कोशिश यह थी कि हम किसी तरह से एक सिविल कोड की तरफ बढ़ें। जिस वक्त जबकि के रूबरू गाजियनशिप बिल आया था उस वक्त मैं ने अर्ज किया था कि हम बड़ी

[पंडित ठाकुर दास भार्गव]

सब्स गलती कर रहे हैं कि हिन्दू गाजियनाघात एक बना रहे ह क्योंकि इस से हम एक ऐसी शक्ल बनाने जा रहे थे जिस से कि हम यूनिफार्म सिविल कोड से दूर चले जा रहे थे। आज फिर मैं भ्रष्ट करन। चाहता हूँ, आप लोगों से और श्री पाटस्कर साहब से कि वह इस बिल का मुंह दूसरी तरफ करें। आज पंजाब के धन्दर है, हिन्दू, मुसलमान, ईसाई सब कोनों के धन्दर ऐक्वाइंटमेंट आफ एंघर का कानून है, जो लोग आज तक इस को नहीं मानते थे, वह ग्राहिस्ता ग्राहिस्ता इस तरफ झू हो रहे हैं। मुसलिम ला में एकनोलिजमेंट आफ ए सन होता है, वह भी मैं समझता हूँ इस ऐक्वाइन्स के एकिन है। हम हर रोज देखते हैं कि चाहे हिन्दू हो, चाहे मुसलमान हो, चाहे क्रिश्चियन हों, जब कोई शक्स किसी लड़के या लड़की को गोद ले लेता है और अपने बच्चे के बराबर समझता है तो अगर और कुछ नहीं तो जो अस्तित्व कानून की रू से पहुँचता है वह उस लड़के के हक में जरूर मान लेता है : इस बिल में जो सब से बड़ी बात है वह यह है कि जो गोद लेने वाला है उसको पाटस्कर साहब ने अधिकार दिया है कि वह गोद ले या न ले। यह इस लिए ब्यादा नहीं रखेगा कि यह एक एनेबलिंग ला है। लड़की या लड़के को गोद लेना लाजमी नहीं है।

यहां पर जो बिस्वोजल जायदाद का राइट है वह एक ऐसा राइट है कि चाहे वह हिन्दू ला को माने या न माने वह कर सकता है, अगर हम इस बिल की भी ऐसा liberal अख्तियारी कर देते तो कुछ भर्से बाद हम कह सकते थे कि हिन्दू ऐक्वाइन्स ला में जो रिजीजिग्रसिटी है वह हम ने निकाल दिया हम ने उस को सेकुलर बना दिया कि हर एक शक्स को अस्तित्वार है कि वह किसी लड़के या लड़की को गोद ले या न ले बजाय इस के कि हम इस को सिर्फ हिन्दुओं के लिये बनाते।

हम ने फिर यह गलती की है कि यह एक्स्क्लूसिव ला हिन्दुओं के वास्ते बना रहे हैं। जब हम ने दूसरे मजहबों की अक्वाइयों को अपने में ऐसिमिलेट कर लिया तो कोई बजह नहीं थी कि इस के धन्दर हम ऐसा न कर सकते। मैं जानता हूँ के ऐक्वाइन्स ऐक्वाइंटमेंट आफ एन एंघर भी है और रिलिजस सैकमेंट भी है। मैं जानता हूँ कि यह भी आज हिन्दुओं के लिये ही बन रही है, लेकिन इस के धन्दर जो डामिनेंटिंग फीचर है वह सेकुलर है। लोग क्यों गोद लेते हैं इस के कई कारण और अगर हम देखें तो पुरानी से पुरानी पुस्तकों में इस के कथाबद दिये हुए हैं जिन के मुताबिक गोद लिया जाता था। अगर हम सारी हिस्ट्री को देखेंगे तो भतीजा यही निकलेगा कि गोद का जो प्राइमरी आईडिया है वह सिर्फ हमारे साथ ही नहीं है, सब कोनों के धन्दर है। मैं जनाब की तबज्जह रोमन ला की तरफ दिलाता हूँ, जिस तरह हम ऐक्वाइंटमेंट आफ एन एंघर करते हैं उसी तरह रोमन ला में भी वह दुआ करता था कि किसी शक्स को बारिस करार दे देते थे। अब जिस तरह का वह ला बन रहा है उसमें नामिनीज हेरिडिटिया का कायदा नहीं है। इस के धन्दर साफ कह दिया गया कि किसी को गोद लिया जा सकता है। अभी शर्मा जी ने भी कहा कि हिन्दू ला में बत्तक होम होता था। इस में पहले रिलिजिग्रसिटी नहीं थी, यह बिल्कुल सेकुलर लाइन्स पर होता था। शर्मा जी ने बताया कि इस को बनाना रिलिजस प्वाइंट आफ व्यू से ठीक नहीं है, मैं कहना चाहता हूँ कि मामूली कैन्स आफ ला से, हमारे जो जिन्दगी के प्रिंसिपल्स हैं उन की रू से इस का कानून बनाना और इस शक्स में बनाना जायज नहीं था। आप को चाहिये था कि आप थोड़ा धर्सा और ठहर जाते और एक सा कानून सब के लिये बनाते।

अब सवाल पैदा होता है कि क्यों हम गोद लेते हैं। जैसा पंडित नंद लाल शर्मा ने फरमाया किसी जमाने में ऐसा बक्त आ गया जिस में

हिन्दुओं के अन्दर एक लड़के का होना बिल्कुल जरूरी स्थल किया गया। पिंड देने वाला लड़का होना चाहिये। अगर नर्क से बचाता है तो पुत्र ही।

इस तरह के स्थालात हिन्दुओं के अन्दर प्राये और इतना ही नहीं, इस से भी ज्यादा स्थालात प्राये। आप मनुस्मृति को पढ़ें। उस के अन्दर हर एक आदमी पर, मैरीड आदमी पर यह लाजिम था कि वह बच्चे पैदा करे और बच्चे पैदा करने के जितने भी मौके प्रायें, उन का पूरा पूरा फायदा उठाये। अगर वह ऐसा नहीं करता था तो वह भ्रूण हत्या का दोषी होता था और उस को प्रयाचित करना पड़ता था। फांस में एक कानून पास हुआ था कि जो तीन बच्चों से ज्यादा पैदा करेगा, उस को सजा दी जायेगी। जापान ने भी एक कानून पास किया था जिस में सजा देने की व्यवस्था थी। आज हिन्दुस्तान में भी फैमिली प्लानिंग की बात की जा रही है और यह कहा जा रहा है कि ज्यादा औलाद नहीं होनी चाहिये। आप देखिये कि शास्त्रों में क्या लिखा है। शास्त्रों में लिखा है कि दस बच्चे होने चाहिये और एक उस का खाविन्द होना चाहिये और इस तरह से पूरी क्रिकेट की टीम हो जाये। इस तरह से ज्यादा औलाद पैदा करना हर आदमी का फर्ज होता था; जब हिन्दुस्तान में थोड़े आदमी थे तो यह चीज थी। साथ ही साथ अगर किसी आदमी के लड़कियां ही लड़कियां होती थीं और लड़का नहीं होता था तो उस को बुरी निगाह से देखा जाता था। इसी तरह से उस आदमी को जिस के कोई औलाद नहीं होती थी बुरी निगाह से देखा जाता था। लेकिन आज ऐसा स्थल देश में नहीं है; आज बहुत से ऐसे लोग हैं जो फैमिली की कोई परवाह नहीं करते हैं और जो बिना बच्चे के ही रहना पसन्द करते हैं। आज बहुत से लोग बिना शादी ही कराये रहना चाहते हैं। ऐसी सूरत में आज पुरानी चीज को नये सिरे से लाना कि बच्चे होना ठीक है, कहां तक वाजिब है, यह मैं आप से पूछता हूं। यह किसी भी हालत में वाजिब नहीं है। हमें जमाने की रफ्तार

को देखते हुए ही कानून बनाने चाहिये। आज हम इंडिविड्यु आलिस्टिक सोसाइटी की तरफ बढ़ रहे हैं। मैं पूछना चाहता हूं कि क्या अम्बेदकर साहब ने जब हिन्दू कोड बिल को यहां हाउस में पेश किया था जो कि मेरे पास है, कहीं कहा था कि लड़कियों को भी गोद लिया जा सकेगा। ऐसी सूरत में लड़की का गोद लिया जाना किस के इंटेस्ट में है। मैं इस सगड़े में नहीं पड़ता कि दशरथ ने क्या किया और क्या नहीं किया। आप ने मौनोगेमी को जारी कर दिया। खैर इस सगड़े में मैं नहीं पड़ना चाहता। हमारे सामने दो ही मिसालें मौजूद हैं एक दशरथ की और दूसरी कुन्ती की। लेकिन हमें मालूम नहीं कि किन हालात में वहां पर गोद लिया गया। लेकिन मैं यह पूछना चाहता हूं कि जब कि न हिन्दू धर्म में इस बात की इजाजत है और न ही मुस्लिम धर्म में कि लड़की को गोद लिया जाये, तो आप यह क्यों कर रहे हैं। आप यहां पर दशरथ की याद दिलाते हैं। लेकिन मैं इस के मुकाबिले में आप के सामने मद्रास, बम्बई और कलकत्ता की हाई कोर्टों की रूलिंग कोट कर सकता हूं जिन में उन्होंने ने कहा कि लड़की को गोद नहीं लिया जा सकता है। आप शास्त्रों पर जाना नहीं चाहते और न आप यह चाहते हैं कि लोग दशरथ की तरह से तीन तीन शादियां करें तो फिर यह लड़की को गोद लेने की एक नई ही चीज आप क्यों पैदा करना चाहते हैं।

जिस वक्त हिन्दू लाज के कोडिफिकेशन का जिक्र हुआ था उस वक्त डा० अम्बेडकर ने बताया था कि हम हिन्दू समाज में कोई ऐसी तबदीली करना नहीं चाहते जो एक फंडेमेंटल नेचर की हो, हम तो सिर्फ हिन्दू ला को कोडिफाई करना चाहते हैं। उस वक्त कोडिफिकेशन का नाम लिया गया था। मैं पूछना चाहता हूं कि क्या जो तबदीली आप करने जा रहे हैं क्या यह फंडेमेंटल तबदीली नहीं है। लड़कियों को गोद लेने के बारे में कानून बनाने के लिये आप को किस ने कहा है और किस के

[पंडित ठाकुर दास भार्गव]

इंटेरेस्ट में यह है। इस चीज की कतई जरूरत नहीं थी और मैं इस की एक बिल्कुल रेड्रोग्रेड स्टेप मानता हूँ।

लोग लड़के को गोद इसलिये लेते थे ताकि खानदान जारी रह सके। अब आप लड़की को गोद लेने की व्यवस्था करना चाहते हैं खानदान को जारी रखने के लिये। इस का क्या नतीजा होगा। गिविंग एंड टेकिंग के क्या माने हैं। अगर किसी को लड़की के साथ मुहब्बत है तो उसे पूरा भरपूर है कि वह उस को लड़की की तरह माने और उस के साथ लड़की की तरह मुहब्बत करे। लेकिन आप यहां पर यह करना चाहते हैं कि १५ बरस की लड़की का भी गिव एंड टेक हो सकता है, इस से कितनी दिक्कत पैदा होगी यह आप खुद भंदाजा लगा सकते हैं। पंजाब में किसी किस्म की रेस्ट्रिक्शन नहीं है। एक आदमी किसी उम्र के बच्चे को चाहे वह मैरीड हो या अनमैरीड अपना हेयर मुकर्रर कर सकता है और वह उस को उसी तरह से रखता है जिस तरह से कि वह अपने बच्चों को रखता हो। अगर वह एक लड़के को एडॉप्ट करता है तो वह उस से यह उम्मीद करता है कि वह बुढ़ापे में उस की इमदाद करेगा और उस के मरने के बाद उस का आद करेगा। अब कोई मदद करता है या नहीं करता है और कोई आद करता है या नहीं करता है, इस को आप सब जानते हैं। आद तो अब बन्द होते जा रहे हैं। हम में से कौन कह सकता है कि हमारे लड़के हमारा आद करेंगे। लोग गोद इसलिये भी लेते हैं कि उनका नाम रहे। मैं पूछना चाहता हूँ कि क्या यह परपज भी सर्व हो सकता है अगर लड़की को गोद लिया जाय? तो आप यह भी चीज ला रहे हैं। इस चीज का आज तक कहीं भी जिक्र नहीं आया और आज आप इस को ला रहे हैं। एक ब्लास है जिस के अन्दर लड़की को गोद लेना जायज है। रंडियां लड़की को गोद लेती हैं ताकि उन का काम और जायदाद ट्रांसफर हो सके। अगर आप उस

को बन्द करते तो सारा हाउस आप के साथ होता।

श्री. पाटस्कर : यह कैसे मालूम है कि हाउस हमारे साथ होता।

पंडित ठाकुर दास भार्गव : आप ने अभी चन्द रोज हुए प्रास्टीट्यूट्स के मुताल्लिक एक कानून पास किया है। उस कानून के प्रिंसिपल्स को देखते हुए क्या आप समझते हैं कि लोग इस के खिलाफ होते कि रंडियों को भी इजाजत मिल जाये कि वे लड़कियों को गोद ले लें। आप ने अनमैरीड गर्ल्स को, विदोयों को बैचलर्स को और हर आदमी को इसका भरपूर दिया है कि वह लड़की को गोद ले ले। जब लड़की की शादी हो जाती है तो वह दूसरे घर में चली जाती है और फिर फार आल प्रैक्टिकल परपज उसी घर की हो जाती है और उस घर की एक नेकलस बन जाती है। दूसरे शब्दों में वह दूसरे घर में ट्रांसफर हो जाती है। यहां पर पाटस्कर साहब एक ट्रांसफर को काफी नहीं समझते हैं। वह उस को फिर किसी घर में ट्रांसफर करने के हक में हैं। आप ने आदमी और औरत के हक एक रखे हैं लेकिन आप ने यह नहीं देखा कि उन की कंडीशन लाइफ में बहुत भिन्न भिन्न है। जब एक लड़की शादी के बाद दूसरी फैमिली में चली जाती है तो गोद के बन्त वह किसी और दूसरी फैमिली में कैसे ट्रांसफर होगी, यह मेरी समझ में नहीं आया है। वह उस घर से ट्रांसफर नहीं हो सकती है। तो यह जो लड़कियों की ट्रांसफर का रूल है, इस को अगर आप गोद के फिक्शन से कहीं दूर रखते तो अच्छा होता तो इस चीज की मांग देश में नहीं है और इस चीज की कोई जरूरत नहीं थी। यह ठीक है कि कांस्टीट्यूशन में आप ने औरतों और मरदों को इक्वल राइट्स दिये हैं जिस का नतीजा यह हुआ है कि वे हब रन एप्रैक्। जहां तक अपर इंडिया की बात है इस के जो नतायज हैं और इस के जो कंसेक्वेंसेस हैं वे निहायत ही खराब निकलेंगे।

अब आप लड़की के ऊपर यह जिम्मेदारी डाल रहे हैं कि वह अपने मां बाप के गुजर के वास्ते जिम्मेदार हो। यह इक्वैलेटी आफ ह्यूमन राइट्स का लाजिकल कनक्लूजन है। जहाँ तक अगर इंडिया का ताल्लुक है यह निहायत रिपलसिव है। कोई भी मां बाप लड़कियों के खानदान वालों से कभी भी यह उम्मीद नहीं करते हैं कि लड़की उन का पालन पोषण करे। यह मैं ने आप को मिसाल के तौर पर एक चीज बतलाई है।

अब जनाबेवाला अगर आप देखेंगे कि इस कानून के अन्दर और भी जो चीजें लिखी हुई हैं वे भी कुछ कम हैरानुकरन नहीं हैं। जब कोडिफिकेशन की बात कही गई तो हमें यह कहा गया कि हम सारे हिन्दुस्तान के लिये एक कानून नाफिज करेंगे ताकि नैशनलिटी का आइडिया पैदा हो। मैं एक प्रजीब चीज देखता हूँ। इस कोडिफिकेशन के अन्दर कस्टम्स को भी दाखिल कर दिया जाता है। कस्टम्स और यूजेजिस और साथ ही साथ कोडिफिकेशन करना ये दोनों चीजें एक दूसरे से भेज नहीं खाती हैं। जब मैरेज ला आया था उस वक्त मैं ने बहुत कोशिश की इस बात को मनवाने की कि सारे हिन्दुस्तान के लिये एक ही कानून बने। मैं ने यह चाहा था कि अगर आप डाइवोर्स की प्रोवीजन को रखना चाहते हैं तो रखिये लेकिन वह सारे हिन्दुस्तान के लिए एक सी होनी चाहिये। लेकिन आनरेबल मिनिस्टर साहब के ऊपर कुछ जोर पड़ा और उन्होंने डाइवोर्स के अन्दर भी कस्टम्स की इजाजत दे दी जो कोडिफिकेशन के उसूल के बिल्कुल खिलाफ है। अब मैं क्या देखता हूँ कि एक बड़ी इम्पार्टेंट दफा में यानी दफा ४ में यह कहा गया है कि कस्टम्स बगैरह का को दखल नहीं होगा। लेकिन साथ ही एक दूसरी दफा में, यानी दफा १० में फिर कस्टम और यूसेज की इजाजत दे दी गई है। अगर कोई कस्टम की मौजूदगी साबित कर दे, तो पन्द्रह बरस से बड़ कर भी और मैरीड लड़के या लड़की को भी गोद लिया जा दिया जा सकता है; मेरा सबाल यह है कि

सिर्फ इन दो बातों में यह इजाजत क्यों दी गई है और बाकी में क्यों नहीं दी गई है? आज का ला यह है कि अगर कस्टम साबित हो जाय, तो आरफन को भी गोद लिया जा सकता है जिस की कि मैं अप्रारिटी पेश कर सकता हूँ, लेकिन यहाँ पर उस की इजाजत नहीं दी गई है। अगर कोई शस्स किसी फाउंडलिंग को पा जाय और उस की परवरिश करे, तो उस को भी गोद लिये गये बच्चे की तरह हकूक होने चाहियें, लेकिन चूँकि फाउंडलिंग को देने वाला कोई नहीं होता है, इसलिये उस को कोई हकूक नहीं होते हैं—कोई अधिकार नहीं होते हैं।

जैसा कि श्रीमती शर्मा जी ने कहा कि आप ने हिन्दू धर्म की कुछ चीजों को तो ले लिया और बाकी को छोड़ दिया। बेहतर होता कि आप उन सब बातों को ले लेते और कहें देते कि जो चाहे जिस को गोद ले ले। इंगलिश ला का एक उसूल है—

“An estate once vested cannot be divested.”

और उसी उसूल ने इस बिल को नजर-अन्दाज किया है। मैं यह देखता हूँ कि इंगलिश ला के स्लोगन हम को प्रमून्ड इन्साफ करने से मना करते हैं। हिन्दू धर्म शास्त्र के मुताबिक पहले जब एडाप्टिव - मदर किसी लड़के को गोद लेती थी, तो उस की ज़ायदाद डाइवैस्ट हो जाती थी और अगर उस का लड़का उस के खाविन्द के मरने के वक्त मौजूद होता, तो उस औरत को ज़ायदाद का हक नहीं होता था। १९३७ के एक्ट के मुताबिक बेवा को और उस के एडाप्टिव सन को ज़ायदाद प्राप्ती मिलने का हक दिया गया। लेकिन इस कानून के मुताबिक अगर कोई शस्स आज मर जाय और उस की ज़ायदाद बारिसान के पोजेशन में आ जाय, ज़ायदाद बेस्ट हो जाय, तो गोद लेने से कोई असर उस ज़ायदाद पर नहीं पड़ेगा। मैं यह पूछना चाहता हूँ कि अगर प्रापर्टी का एलिमेंट निकाज दिया जाय, तो किसी को गोद लेने या लिये जाने बगैरह की क्या गरज रहेगी। हमारे पाटस्कर

[पंडित ठाकुर दास भार्गव]

साहब खुद यह मानते हैं कि इस मामले में रिलिजासिटी का फैक्टर नहीं रहा है। आज हम एक सैकुलर जमाने में से गुजर रहे हैं। अगर जायदाद का हिस्सा निकाल लिया जाय और एडाप्टिड लड़के को जायदाद न मिले, तो कौन गोद लिया जाना चाहेगा और कौन गोद लेना चाहेगा। यह तो मामला ही जायदाद का है, उस को प्रिजर्व करने के लिये ही गोद लिया जाता है। लेकिन जब यह होगा कि एक लड़का गोद ले लिया, उस से नाराजगी हुई, तो एक लड़की और गोद ले ली। इस में यह नहीं लिखा है कि अगर किसी का लड़का होगा, तो वह लड़की गोद नहीं ले सकेगा। अगर असली लड़का मौजूद है लेकिन लड़की नहीं है, तो उस को भी अस्तित्व है कि वह लड़की गोद ले ले। जिस तरह किसी जमाने में लड़के का होना जरूरी समझा जाता था और लोग यह ब्याल करते थे कि अगर मैं बगैर श्रीलाद के रह गया, तो मैं नरक में जाऊंगा उसी तरह अब यह कहा जायगा कि अगर किसी की लड़की न हुई, तो.....

श्री पाटस्कर : वह चाहे तो ले लेगा।

पंडित ठाकुर दास भार्गव : इस में एनेबलिंग क्लॉज तो रख दी गई है और एनेबलिंग प्राविजन लोगों के रुझान और जरूरतों को मद्देनजर रख कर ही रखे जाते हैं। इस कानून का मन्शा यह है कि हर एक आदमी लड़के ही की तरह लड़की को भी समझे। मैं यह पूछना चाहता हूँ कि इस हाउस में या इस देश में कितने लोग ऐसे हैं, जिन के लड़के हैं और जो फिर भी लड़की को गोद लेने की स्वाहिश रखते हैं। मैं फिर अर्ज करना चाहता हूँ कि कानून बनते हैं लोगों के जीनियस, ब्यालात और डिमांडज के मुताबिक, लेकिन जहां तक इस कानून का ताल्लुक है, इस की कोई जरूरत नहीं है, कोई डिमांड नहीं है, लोग इस को नहीं चाहते हैं। मेरी समझ में नहीं आता कि क्या इस देश में बैचोल् या

अनमैरीड गर्ल यह चाहते हैं कि उन का बच्चा हो। इस बिल के पीछे जो मॅन्टेलिटी है, वह एक गलत मॅन्टेलिटी है और वह यह है कि हम लड़के और लड़की को बराबरी का दर्जा देंगे और चूंकि लड़के को गोद लिया जाता है, इसलिये लड़की को भी लिया जाय। लेकिन उस प्रिंसिपल को भी इस बिल में कायम नहीं रखा गया है। अच्छा होता कि यह बिल हमारी पार्लिमेंट की उन सेडीज को खुश कर सकता, जो कि पूरे हकूक चाहती हैं। मैरीड मैन को गोद लेने का अख्तियार है—उस की कैपेसिटी भी है और राइट भी है, लेकिन मैरिड वुमैन को कोई अख्तियार नहीं है। खाविंद की स्वाहिश को औरत सिर्फ वीटो कर सकती है। यहां औरत-मर्द की बराबरी कहां गई? खाविन्द चाहे, न चाहे विवाहित। औरत को गोद लेने का अख्तियार नहीं है। क्यों नहीं औरत को राइट देते? आप की ईक्वालिटी बिल्कुल गलत है। ईक्वालिटी से इस बिल का कोई वास्ता नहीं है। आप ने यह कहां रखा है कि एक औरत अपने खाविन्द को उसी तरह मेनटेन करने की जिम्मेदार है, जिस तरह कि मर्द है। मैं इस बात के हक में नहीं हूँ और मैं औरतों पर यह बार डालना नहीं चाहता हूँ, लेकिन मैं यह सवाल उन लोगों से करता हूँ, जो कि ईक्वालिटी को इस हद तक ले जाना चाहते हैं कि लड़की को गोद लेने का अधिकार दिया जाय हालांकि ऐसी किसी कस्टम का वजूद नहीं है उसकी कोई डिमांड नहीं है, उसकी कोई जरूरत नहीं है। डाटर-इन-ला को मेनटेन करने की जिम्मेदारी फादर-इन-ला के साथ साथ मदर-इन-ला पर क्यों नहीं डालते? मैं ऐसी बीसियों मिसालें इस बिल में ही दे सकता हूँ जहां ईक्वालिटी को मद्देनजर नहीं रखा गया है। मेरी समझ में नहीं आता कि लड़की को गोद लेने की यह नई प्रथा शुरू करने की क्या जरूरत थी। इस के पीछे क्या चीज बर्क कर रही थी? मेरी समझ में तो सिवाय इस के और कोई बात नहीं आती है

है कि हमारे पाटस्कर साहब कांस्टीब्यूशन की ईक्वालिटी से मुताल्लिक दफा को फरोग देना चाहते हैं। हम को तो पता नहीं है, लेकिन शायद बम्बई से उन की खिदमत में कोई डेपुटेशन आये हों, जिन्होंने कहा हो कि अगर ऐसा नहीं किया जायगा, तो हिन्दू सक्सेशन एक्ट में लड़की को कोई हकूक नहीं मिलेंगे। जब आप ने पहले ही यह अख्तियार दिया है कि जो कोई चाहे अपनी विल से अपनी जायदाद किसी को दे सकता है, तो उस के मुताबिक वह लड़की को भी दे सकता है। उस में किसी को क्या ऐतराज हो सकता है? इस सिलसिले में मेरा सवाल यह है कि हम पंजाब के लोगों का क्या बनेगा? मैं चाहता हूँ कि मिनिस्टर साहब यह साफ कर दें कि यह पंजाब के लोगों को एप्लाई नहीं करेगा। इस में लिखा है :—

"No adoption shall be made after the commencement of this Act by or to a Hindu except in accordance with the provisions contained in this Chapter, and any adoption made in contravention of the said provisions shall be void."

मेरा कहना यह है कि इस में से एपायंट-मेंट आप एयर को निकाल दिया जाय। मैं यह समझता हूँ कि आप ने उन लोगों पर तो जरूर अहसान किया है, जो कि हजारों बरसों से अपनी कस्टम पर चलते आ रहे हैं। उन को तो आप ने बचा लिया और इस के लिये मैं आप की मुबारकबाद देता हूँ।

एक वक्त था कि जिस का यज्ञोपवीत हो जाय या जो शादीशुदा हो, उस को गोद नहीं लिया जाता था, लेकिन बाद में हिन्दू ला के मुताबिक मैरीड को भी गोद लिया जा सकता था और उम्र की भी कोई बन्दिश नहीं थी। आप इस फिक्शन को पक्का क्यों करना चाहते हैं? सोसायटी जैसे चलती है, कस्टम जैसे चलते हैं उसको चलने दीजिये, उनको अपना कोर्स लेने दीजिये और इस किस्म की बन्दिशों से आजाद होने दीजिये और उम्र बगैरह की कोई बन्दिश लगाने की कोई जरूरत नहीं

है। लेकिन मालूम होता है कि आप बन्दिशों को पक्का करना चाहते हैं और यह चाहते हैं कि कस्टम बगैरह न बढ़ें और uniformity एकसानियत की तरफ जो कदम बढ़ रहा है वह कस्टम grow भी न करें। इस की जो और दफायें हैं मैं उन में नहीं आना चाहता। मैं अर्ज करूंगा कि दफा ६ में "कैपेसिटी" और "राइट" का जिक्र आया है। इस "कैपेसिटी" को तो आगे आप ने बढ़ाया है, लेकिन "राइट" को आगे नहीं चलाया है। इसलिये मैं इस लपज "राइट" की कोई जरूरत नहीं समझता।

16 hrs.

मैं एक छोटी सी अर्ज और करना चाहता हूँ जैसा कि श्रीमती शिवराजवती नेहरू ने भी फरमाया है, कि यह जो गिविंग एंड टेकिंग आप दी चाइल्ड है इस की कोई खास सेरीमनी तो है नहीं। एक तरह से मिनिस्टर साहब ने इस का सहेबाब भी किया है और कहा है कि अगर कोई एडाप्शन रजिस्टर्ड हो तो गिविंग और टेकिंग का प्रोजेक्शन माना जायेगा। ऐसा भी होता है कि एक ८० बरस का आदमी एक ४० बरस के आदमी को एडाप्ट करता है, तो यह गिविंग और टेकिंग की सेरीमनी नहीं होती। यह चीज तो सिर्फ इसलिये रखी गई है कि अनइम्पीचेबिल एबीडेंस आ सके। आपने इसमें लिखा ही है कि अगर एडाप्शन रजिस्टर्ड होगा तो गिविंग और टेकिंग का प्रोजेक्शन होगा। अगर आप यही ठीक समझते हैं तो यह रख दीजिये कि कोई एडाप्शन बगैर रजिस्ट्री के न हो सके। ऐसा होने से हम झूठी गवाहियां बनाने से बच जायेंगे। आप ने लिखा है कि गोद में दिया जाये या रखा जाये। मैं अदब से अर्ज करूंगा कि यह गैर जरूरी है। यह ठीक है कि देने वाला और लेने वाला मौजूद होना चाहिये। इसी के साथ यह भी होना चाहिये कि जिस बच्चे के मां बाप न हों लेकिन कोई उस बच्चे की मां बाप की तरह परवरिश करे, तो उस के लिये भी यह प्रोजेक्शन होना चाहिये कि उस ने उस बच्चे को गोद से लिया

[पंडित ठाकुर दास भार्गव]

है। आप के कानून की रू से तो धारफन को गोद लिया ही नहीं जा सकता। जिन के मां बाप नहीं हैं उन के लिये तो आप को ऐडाप्शन का प्रावीजन और भी ज्यादा करना चाहिये था।

अब मैं मेन्टीनेन्स की तरफ आता हूँ। जहाँ तक हिन्दू ला का सवाल है, जैसा कि मैं हाउस में कई मर्तबा अर्ज कर चुका हूँ, उन में जिन लोगों को वरसा नहीं दिया जाता उन के लिये एक बहुत खूबसूरत प्रावीजन मेन्टीनेन्स का किया हुआ है। लेकिन जो आप ने कानून रखा है उसमें डिपेंडेंट्स सब खा जायेंगे और बारिसों को कुछ नहीं मिलेगा। इस में मैं आप का ध्यान दो तीन बातों की तरफ दिलाना चाहता हूँ। डा० अम्बेडकर साहब के हिन्दू कोड में मैरीड डाटर को भी डिपेंडेंट माना गया था लेकिन हमारे पाटसकर साहब ने उस मैरीड डाटर पर क्यों कोप किया है। अनमैरीड डाटर को हक है लेकिन मैरीड डाटर को हक नहीं है। मैं तो समझता था कि आप धार्मिक और औरत के फर्क को मिटाना चाहते हैं, पर यहाँ तो आप एक लड़की और दूसरी लड़की में फर्क कर रहे हैं। मेरी गुजारिश है कि जो डा० अम्बेडकर ने लिखा था उसे आप रेस्टोर कर दें।

इस के अलावा मैं अर्ज करना चाहता हूँ कि आप ने बेटे और बेटी में बराबरी नहीं रखी है। आप ने रखा है कि बेटे को उसी वक्त तक हक है जब तक कि वह मेजर न हो। लेकिन लड़की चाहे किसी उम्र की हो, उस के लिये आप ने, कोई कँद नहीं रखी है।

Pandit K. C. Sharma (Meerut Distt.-South): Woman is helpless.

पंडित ठाकुर दास भार्गव : मेरे लायक दोस्त के दिल में लड़की के वास्ते बहुत हमदर्दी है इस की मुझे खुशी है। लेकिन अगर आप बराबरी के ब्याल से देखें तो उन के दिल में लड़के के वास्ते वैसी हमदर्दी नहीं है।

अगर आप को ईक्वालिटी पर चलना है तो वैसा करिये। हिन्दू ला में यह प्रावीजन था कि जिन को हम सक्सेशन में हिस्सा नहीं देते थे उन को मेन्टीनेन्स देते थे। आप ने सक्सेशन ला को तबदील किया है लेकिन मेन्टेनेन्स ला को हाथ लगाने को तैयार नहीं हैं। मैं अदब से अर्ज करूँगा कि यह बिल्कुल गलत है। यह मेन्टेनेन्स का ला सक्सेशन ला के साथ आना चाहिये था ताकि मेम्बर साहिबान समझ सकते थे कि किस दरजे तक तबदीली करनी चाहिये। आप ने इस में रखा है :—

"A legitimate or illegitimate child may claim maintenance from his or her father or mother so long as the child is a minor."

"Subject to the provisions of this section, a Hindu is bound, during his or her life-time to maintain his or her legitimate or illegitimate children and his or her aged or infirm parents".

क्या आप इस कानून से लड़कियों के घरों में मुकद्दमेबाजी ले जाना चाहते हैं। इस कानून से हर घर में सिवा कलह के कुछ और नहीं होगा। आप लड़की पर मां बाप के मेन्टेनेन्स का जिम्मा डालते हैं। उस का खार्बद अपने मां बाप की देख रेख करेगा या अपनी बीवी के मां बाप की। इस चीज को आप छोड़ भी दें कि हमारे यहाँ कोई मां बाप अपने दामाद के घर पानी भी पीना पसन्द नहीं करेगा, फिर भी आप देखेंगे कि इस तरह के कानून से मुकद्दमेबाजी ही बढ़ेगी। इस से सारे देश में कलह फैल जायेगा। मुझे मालूम नहीं कि साउथ इंडिया में क्या रिवाज है, लेकिन नार्थ इंडिया में जहाँ हम ने लड़की को जायदाद में हक नहीं दिया था वहाँ उस के हक का दूसरी तरह ठीक प्रावीजन किया था। हम ने उन के ऊपर कोई जिम्मेवारी भी नहीं डाली थी। पर अब आप ने लड़कियों पर भी जिम्मेवारी डाल दी है। आप बिना सोचे समझे हमारे

ला में ऐसी तबदीलियां कर रहे हैं जिन के नतायज को आप ने अच्छी तरह से देला नहीं है।

उपाध्यक्ष महोदय : अब तो माननीय सदस्य मुन्नसिर करें।

पंडित ठाकुर दास भार्गव : मैं आप के हुक्म की तामील करता हूँ। मुझे मेनटिनेंस के बारे में कुछ धीर भी भ्रज करना था लेकिन मैं इतना वक्त नहीं लेना चाहता कि दूसरे मेम्बरान को वक्त न मिले। इसलिये मैं खत्म करता हूँ।

BUSINESS OF THE HOUSE

Mr. Deputy-Speaker: I have to inform the House that the Speaker, on the advice of the Business Advisory Committee, has allotted 5½ hours for the Supplementary Demands for Grants (General) and the connected Appropriation Bill, and 2½ hours for Supplementary and Excess Demands (Railways) and the connected Appropriation Bills.

In respect of Supplementary Demands for Grants (General) the following time has been allotted to the various groups of Demands:

- | | |
|---|--|
| (i) Ministry of Home Affairs
(Demands Nos. 52, 52A, 53, 53A, 54, 57A and 61) | 2 hours
(with special reference to Demand Nos. 53, 53A and 57A) |
| (ii) Ministry of Communications (Demands Nos. 9 and 116) | 45 minutes
(with special reference to Allocation). |
| (iii) Ministry of Production (Demands Nos. 98 and 138) | 1 hour |
| (iv) Ministry of Natural Resources and Scientific Research (Demands Nos. 78 and 86) | 45 minutes |

- | | |
|---|----------|
| (v) Ministry of Rehabilitation (Demands Nos. 92, 93 and 94) | } 1 hour |
| (vi) Other Supplementary Demands for Grants | |

HINDU ADOPTIONS AND MAINTENANCE BILL—contd.

Mr. Deputy-Speaker: I have got about 12 names with me. We have six hours for this Bill. We started at 2.10. We will be consuming three hours and 50 minutes by 6 O'clock today. May I have an idea as to what should be the time for general discussion and for the clause-by-clause consideration stage respectively?

Pandit K. C. Sharma (Meerut Distt. South): Four hours for general discussion.

Shri Tek Chand (Ambala-Simla): May I submit that in view of the importance of this Bill, perhaps the time deserves to be extended?

Mr. Deputy-Speaker: That is one side of the picture and will be considered later. But, there is another side also. Now that most of the points have been submitted, we ought to place a limit on the speeches. If each hon. Member wants half an hour, we would not be able to accommodate all the Members. So, would it be enough if every Member is given 15 minutes?

Pandit K. C. Sharma: Yes, Sir.

Shri Tek Chand: It may be 20 minutes.

Pandit K. C. Sharma: You may give 15 minutes to me and 20 minutes to Shri Tek Chand.

Mr. Deputy-Speaker: If this is agreed to, I have no objection. Members themselves may confine their remarks to 15 minutes. Shri Lakshmayya.

Shri Lakshmayya (Anantapur): While supporting the Bill, I would like to congratulate the hon. Minister

[Shri Lakshmayya]

of Legal Affairs for having piloted this Bill in Rajya Sabha so successfully and for having brought it to this House. This is a very important Bill. Already a number of Acts have been annexed to the Hindu Code and this is the last chapter. We have passed the Hindu Marriage Act, the Hindu Succession Act, and the Guardians and Wards Act. Now the question is whether this measure would make the Hindu society more progressive or it is retrogressive.

It is said that the Hindu community needs to be revitalised and re-invigorated. Though the hon. Minister appears to be very orthodox, he has made the provisions of the Bill very liberal. One of the main points is that any child, including a daughter, can be adopted. It remains to be seen how far this is a big step to progress. Our Hindu law, has been based on various decisions of the High Courts. So also, the law of adoption has been based on several decisions of the High Courts in the various States. The High Courts have relied upon various text-books of sages like Manu, Vasishtha, Gauthama and Narada and on the various interpretations of the shastras. Some of these are Dattaka Chandrika, Dattaka Mimansa; Dharma Sindhuon and Dattaka Nirnaya.

Mr. Deputy-Speaker: The hon. Member might resume his seat for a few minutes. There is a statement to be made by the Prime Minister. I will request him to make the statement.

****CORRECTION OF ANSWER TO
SUPPLEMENTARY QUESTION ON
STARRED QUESTION NO. 1155**

**HINDU ADOPTIONS AND MAIN-
TENANCE BILL—Contd.**

Shri Lakshmayya: I was saying that the High Courts relied upon the various text-books and the interpretations of the Sastras various sages.

Therefore, the decisions have been varying from one school of thought to another school. For instance, I am told that in Mithila, a woman cannot adopt a son, whereas in South India, a widow, with the consent of her husband, expressed or implied, can adopt a son. Also, in Bombay a person can adopt a married man with a number of children also, whereas in the other States, a married man with children will never be adopted. So, also the customs and usages vary from one State to another and the law also is different from one State to another. Therefore, a uniform law of adoption is necessary. The hon. Minister has taken this into consideration and codified the law of adoption and maintenance. It is indeed necessary. We have to change our laws according to the changed conditions of the Society. That is why it has been said राजा

कालस्य कारणम् . Anything that is stagnant will not be good. For instance, stagnant water will generate a bad smell; it is not clean, whereas the flowing water would be very clean and healthy. So also our society must march forward and adjust itself to the changed conditions. The females are given equal status. They have the right or succession under the new law and they have absolute right over the property. Therefore, it is right and proper that there should be a provision for females, who have acquired new status.

What has been the motive for adoption in olden days? It is twofold: one is religious and the other is secular. It is religious in the sense that a person wants to adopt a son so that the son may confer spiritual efficacy on the soul of the father.

अपुत्रस्य गतिर्नास्ति goes the saying. It means, a man without a son has no place in heaven and he has no salvation of his soul. So, in olden days, and some people even now, would crave for a son, who could offer pinda and oblations after his death

*See Part I Debates, dated 13-12-56.

Secondly, adoption is needed to perpetuate the lineage. Thirdly, there is the secular motive to inherit property. As years rolled by, the religious motive has become weakened whereas the secular motive has gained strength. People desire to take adoption of a boy; so that he could succeed him, inherit his property and perpetuate his lineage; apart from funeral ceremonies he could perform after his death.

In this law of adoption, I can say that we have gone forward now and have taken a big step. According to the ancient Hindu custom and usage, and Dharma Shastras, only agnates, persons within three degrees, brother's son or brother's son's son, etc., could be taken in adoption. Or, sapindas or samanodakas up to the 12th degree can be taken. Later on, it was extended to 'savarnas'. According to this Bill, any Hindu irrespective of his caste or varna can be taken in adoption. We have gone very far; no doubt. I do not know where it will lead to. While our people wanted to take a boy in adoption, they did not want any stranger to come into the family. Further, they did not want any stranger to be entitled to offer oblations and spiritual benefits to them. That is why they wanted the adopted son to be a close relation of his caste; now, daughters can be adopted. There is a lot of criticism against that. Where is the necessity for making this provision in this Bill? I agree with the hon. Members who oppose this. Because if the real purpose of a son is to save the soul of the father from hell, or to confer spiritual benefits on him, as you are aware, daughters cannot offer oblations and cannot perform ceremonies. There is no necessity for a daughter to be adopted. Any way, the daughter's son, *dauhitra* is there and he is the proper person entitled to offer oblations in the absence of a son either '*Aurasa*' or '*Dattaka*'. Where is the necessity for the hon. Minister to make this provision that a daughter can also be adopted. She has the right over the

property of her father. The daughter's sons are there to offer oblations. They can be taken in adoption.

Clause 7 here says regarding consent.

"Any male Hindu who is of sound mind and is not a minor has the capacity to take a son or a daughter in adoption: provided that if he has a wife living he shall not adopt except with the consent of his wife unless the wife has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind."

This is a very troublesome provision. It is very difficult to get the consent of the wife or the consent of all the wives if there are many. After the recent Marriage law, there will be only one wife. That is right. According to the old customs, a man may be having three or four wives. It is very difficult to get the consent of the wives. The result is that he cannot adopt at all. Even with regard to one wife, the difficulty would be, the wife would like to take her brother's son and the husband would desire to take his brother's son in adoption, and there would be a tug between the two, and the happiness of the family would be disrupted and they will become scarce cater cousins, unfortunately. I am sure this provision will create a lot of difficulty. I do not want that the wife should be ignored. She can be consulted and persuaded. Her consent need not be necessary for adoption. That is my opinion about it.

Suppose the wife can give consent after five or six years after the death of her husband. She may say later on I have not given consent and therefore this adoption is not valid. It will sometimes lead to litigation. That litigation will go on for a long time and the adoption may become

[Shri Lakshmayya]

invalid or void. Often times it turns out to be an unnecessary prolonged litigation. If the hon. Minister does not want to remove the consent, he should at least provide that the consent should be expressed in a registered deed. Either of these two things should be done. Either the provision that she should be consulted can be there or if consent is necessary a registered deed should be executed. This should be made compulsory.

Having gone a step forward, it is said that an unmarried woman can take a son in adoption or a daughter in adoption, according to the law. My submission is that she should not marry after taking the boy in adoption. Because, after marriage, this adopted boy will become the step son or something like that for the new father, she may beget sons by the new husband and her affection for this boy would be lessened. So many unhappy things would result. Therefore, if a spinster wants to take a boy in adoption, she should not marry. Therefore, in old age alone, she can have an idea of taking a boy in adoption.

With regard to maintenance, I shall say one word and I finish. When wives are entitled to get maintenance from males, males also, who are incapacitated or who become invalid, should be entitled to maintenance from the wives if they are capable of earning or have got their separate properties. It is necessary when this provision for females is made, the other provision should also be there just to help the invalid husbands.

Shri Tek Chand: Mr. Deputy-Speaker, any Bill coming from the House of Elders is entitled to be examined with great respect....

An Hon. Member: Great reserve also.

Shri Tek Chand: particularly when we are told that there is a galaxy of talented and distinguished

Members of that House who have given their support to this.

Mr. Deputy-Speaker: That presumption would always be there.

Shri Tek Chand: I may be pardoned for my presumptuousness, I may be excused for my temerity if I subjected their logic, and their language to some criticism which will be respectful though rather critical!

This Bill has been criticised, or I should say, can be criticised on grounds of sentiment, deep emotion which I intend to eschew. It can also be subjected to the scrutiny of logic and reason which, it will be my endeavour to show, it is wanting in important places. It has also to be examined from the point of view of terminological inexactitudes, from the point of view of linguistic inaccuracies which it happens to possess in a very large measure.

Shri Nand Lal Sharma exhibited the zeal of a crusader, the fervour of an iconoclast, when he went for the measure. I feel that in a measure like this, sentiment, emotion, appeal to religion etc., are unfashionable. I propose to eschew them. I have only the capacity to appreciate, but not the capacity to emulate, the vigour and vehemence of Shri Sharma.

Codification of our laws is a most welcome thing. Our laws seem to be in such a bewildering mess, being piled up by case law and precedent, that it is very difficult to find a way out of that entangled and jumbled up mess. Therefore, for my part I am a great advocate of the codification of our laws. I also feel that retention of the principle of codification side by side with custom is a contradiction in terms which has been done in this Bill.

The institution of adoption has been supported for reasons both secular and sacerdotal. Ancient society like that of the Romans had virtually

an identical law of adoption. Our present sacerdotal law of adoption can be compared to a similar institution of theirs called *Adrogatio* and our secular appointment of heir was known in their language as *Adoptio*. These two systems have gone on side by side. So far as our law is concerned, I shall examine it only from the secular point of view. I want the law of adoption to be secularised, but in the process it should not be made a mess of as happens to be the result. In the name of secularisation, the law of adoption is robbed of reason, robbed of logic, robbed of relevancy

So far as linguistic impurities are concerned, perhaps the appropriate stage will be the second reading of the Bill, but so far as the landmarks that have been brought into being now are concerned, I propose to deal with them starting with clause 7.

Clause 7 brings about a peculiar inconsistency. It says that no adoption will be possible except with the consent of the wife. Consent may be dispensed with if she happens to have renounced the world, it says, completely and finally. Why this tautology I do not understand. Therefore, even if a wife happens to be living separately, at loggerheads with the husband, the pair of them going hammer and tongs for each other, consent will be necessary, and this may be withheld simply out of pique, out of resentment. Therefore, insistence upon consent as a condition precedent to adoption will make in most cases adoption impossible.

Then again, regarding a new innovation that a female may also be adopted, I have certain submissions to make for the consideration of the hon. Members. It is not that I am opposed to adoption of females if that be necessary or logical, but it is because by means of this attempt impressionable, young girls may be exposed to serious and sinister hazards, especially when in another clause it is provided that the dis-

ance of time or the span of age between them is going to be 21 years only. I put it to you that one of the notorious features of crime in our country as much as in other countries is what is known as trafficking in young girls. In the case of adoption of a girl of 15 by a young person only 21 years her senior, the girls will be exposed to grave dangers. I thought that it might be for purposes of companionship etc., that an elderly woman might like to adopt a daughter, that is understandable, but why should a man feel the necessity of adopting a girl, and a man who may not have got a wife, when bringing up a young female child is a great liability, and full of risks. That being so, I feel that this clause ought not to be there, and if it must be there, at least the difference in ages, the hiatus of 21 years, ought to be extended sufficiently. Speaking personally, for myself, the permission to a male to adopt a daughter ought not to be granted under any circumstances.

Coming to clause 9, I have certain criticisms to offer. So far, the right to adopt or the right to give away in adoption was conferred upon a male, but now it has been extended not only to a male, not only to a female, but also to a guardian, and a guardian may be a testamentary guardian or a court guardian, he may be a guardian of person, he may be a guardian of property, he may be a stranger, he may be a relative. He can under the present Bill seal the fate of a child by giving him away in adoption to some unworthy person. So far as this right being conferred upon a guardian is concerned, I submit that it is fraught with grave dangers to the wards, especially so if that child—I want the ladies to kindly note and also the hon. Minister—expects let us say a very large property from an old childless uncle. The guardian will step in, may be with ulterior motives, remove the child who expects a large property, give him away in adoption to a pauper, and thereby incalculable harm

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will be done to the child on his being removed from the natural family. What is the protection given to that child? Therefore I would counsel the hon. Minister that he should not confer this power on a person other than the parent of transplanting the child from the family. His tie should not be severed. The only person who should be permitted to remove him from the family should be the parent and no other person. It is not adequate protection to say that the court will see to the interest of the minor. I submit that there will be a large number of cases, where if there is a minor heir to a large property, all sorts of attempts will be made to remove him out of the way; and the easiest mode will be by giving him away in adoption in some other family, especially when he has no say in the matter as he is only a child. That aspect is worthy of closer scrutiny.

When I examine other provisions, I also notice that the important aspects seem to have been ignored. Now, I wish the Minister to concentrate on clause 9 (2) which provides that in order to give a person in adoption, consent is necessary of father and mother. Why should the word 'mother' be there?

Shrimati Sushama Sen (Bhagalpur South): Why not?

Shri Tek Chand: My distinguished neighbour interjects 'Why not?'. I am going to give her a reason, and I hope she will have the patience to appreciate the reason.

Shrimati Sushama Sen: I will.

Shri Tek Chand: It may be the case of a child whose parents are divorced and whose mother has married another person. It may very well be that that mother who has got children from another husband may like to have the property of husband No. 1 for her new children, that is, her children from another husband. It will be her interest in that case

that she should see that her child from her husband No. 1 is removed from that family and given away in adoption to another perhaps a poor family, so that her children from husband No. 2 may be left alone to enjoy the property that her first husband might leave. Therefore, in the case of a mother separated from the father by divorce and having remarried, insistence upon such a consent is totally uncalled for. It may be that father and mother are not even on talking terms. If as a result of infidelity or disloyalty or otherwise, the mother remains a mother but has ceased to be a wife to the father as a result of divorce proceedings, what happens? Therefore, insistence upon the consent of such a mother to give away is totally unnecessary. Therefore, no harm will be done if the law is retained whereby father alone has the right to give away a child in adoption.

Shrimati Sushama Sen: Father also can do the same thing. He can also manage like that.

Shri Tek Chand: Ignoring the interruptions that keep on coming, I would like to invite the attention of the Minister to sub-clause (5) of clause 9 wherein it is said that for the purposes of clause 9, that is to say, for the purposes of giving away a child in adoption, the expression 'father' and 'mother' do not include an adoptive father and an adoptive mother. I desire the Minister to appreciate the lacuna. According to the maxim *inclusio unius est exclusio alterius* (exclusion of one is the inclusion of the other, and inclusion of one is the exclusion of the other), what happens? When such a power is taken away from the adoptive father and the adoptive mother, it is conferred upon the step-father and step-mother. The step-father has no tender feelings for the step-child. Nevertheless, whereas you are solicitous in excluding the adoptive father and the adoptive mother, you have totally forgotten to eliminate step-father and step-mother.

Then, in clause 11, the conditions for valid adoption are provided. One of them is that if the adoption is of a son, the adoptive father or mother by whom the adoption is made must not have a Hindu son, son's son or son's son's son. Kindly see the lacuna here. With respect to the existence of a son, you say he should not have a Hindu son. Therefore, if he has got a son, but a son who has embraced another religion, his existence or presence is no bar to adoption. That may be understandable. I might kotow to religion here, but when it comes to the presence of son's son or son's son's son, it should be a bar when he is not a Hindu.

Then, again, kindly see to this. Why should permission be given to adopt, as a distinguished lady Member said, if there is a daughter's son alive? Why need he adopt when he has got a lineal descendant? Again, why need he adopt if he has got a brother's son alive, his own nephew is alive? Therefore, this right should not be given in the presence of a nephew or daughter's son.

Clause 11(vi) provides that the child to be adopted must be actually given—kindly underscore the word 'actually'—and taken in adoption by the parents or guardians concerned or under their authority with intent to transfer the child from the family of its birth to the family of its adoption. So, the provision is actually giving and taking. I would have thought that when you are giving a child of 15, a child of 15 might be a competitor for heavy weight or boxing championship and may be 20 stones or 15 stones or 14 stones in weight, and if he has got to be actually given, into the lap of a decrepit old lady, by the very first act of adoption, he might start crushing her bones. Therefore, logic demands that you should add that there should be positive proof of the fact of adoption, so that there may not be any future litigation, and that can be done if the law today insists on a deed of adoption in writing coupled with such ceremony as may or may not be necessary.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Tek Chand: Your bell reminds me that I have left Chapter III relating to maintenance unscrutinised. We find that in clause 18, the first clause in this Chapter on maintenance, it is provided that a Hindu wife shall be entitled to be maintained by her husband during her life time. That is very good. But there is an important omission. When you go to clause 19, when you are dealing with daughter-in-law, you say that she shall be provided for suitably, but there is a proviso 'to the extent she is unable to maintain herself'. Why have you forgotten this proviso when you are dealing with the earlier clause 18. Why should this proviso not be there? Now, a wife may be a very talented lady; her own income may be a lot more than that of her husband; she must be provided for even if she is rich and her husband a pauper. But in the case of a daughter-in-law you say 'to the extent that she is unable to maintain herself'....

Shri Pataskar: How will the wife claim for maintenance from her husband if he is a pauper?

Shri Tek Chand:...or in other words, she is going to be provided for only if she has not got enough resources otherwise. I submit that the same provision should be there in both cases.

Then, sub-clause (3) of clause 18 reads:

"A Hindu wife shall not be entitled to separate residence and maintenance from her husband if she is unchaste or cease to be a Hindu by conversion to another religion."

Kindly examine the mischief that one word is going to do, and that word is 'and'. Therefore, the reasoning will be that she is to be deprived of the right of separate residence and maintenance in the event of unchastity, but if she wants separate residence or in the alternative, maintenance, unchas-

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tity is no bar. This line deserves to be closely examined. Therefore, instead of 'and', it ought to be 'or', that is to say, unchastity should be a bar not only to separate residence; it should equally be a bar to maintenance. That purpose will be served if you substitute the disjunctive 'or' and it will be denied if you retain the conjunctive 'and'.

Then in clause 21—which deals with dependants—it is provided:

"For the purposes of this Chapter, "dependants" mean the following relatives of the deceased....."

They are four in number. With regard to the father, mother and widow, there is no rider, but with respect to son, the rider is that he is a dependant only to the extent to which he is unable to obtain maintenance otherwise. Why should this condition be also not attached to the first three relatives? Dependant means he who has to depend on other person. A person may not be a dependant today; may be a dependant tomorrow. Therefore, you have very wisely provided that in the case of a son, he is to be deemed to be a dependant if he is unable to obtain maintenance. His incapacity is the condition precedent to his being styled as a dependant. Why should the same yardstick be not there with respect to the other three relatives?

I submit that this codification may be controversial on grounds of religious sentiment on which the hon. Minister and another speaker may not be seeing eye to eye with each other. But so far as logic is concerned, so far as the interests of minors are concerned, there should be no different opinions. Clause by clause, line by line, this measure deserves to be closely examined and to be recast.

The last thing I would like to say before resuming my seat is this: I would not have perhaps differed from the authors and supporters of the Bill if its name, instead of 'The Hindu

Adoptions and Maintenance Bill' had been 'The Appointment of Heir Bill'. There is a world of distinction between adoption, which means transplantation from one family to another, severance of ties with one family and engrafting of relationship with another family, and appointment of heir. That is the peculiar feature of the Hindu law of adoption, but if it were to be secularised, then it should be in the nature of an appointment of a heir. It should be competent to a person with property to appoint anybody, boy or girl, as heir, and the effect of that will be that there may be some sort of juristic relationship, and some artificial blood relationship between the adopter and the adoptee and the appointer and the appointee, with severance of ties so far as the natural family is concerned from the adopted family.

Then there is one cruel measure you have brought about. You say that ties with the natural family will be severed. That is an inelegant expression. You should have provided that there would be no rights and liabilities vis-a-vis the natural family. Ties cannot be severed. But anyway, if severance of ties is concerned, then it should be severance of ties only as against his brothers. I can understand that a son removed from a family in adoption may not share the property along with his natural brothers. That is understandable, that is intelligible. But even the collaterals in the natural family should have precedence as against this boy, because he has been adopted in another family—that is unjust, that is contrary to law.

Therefore, these clauses deserve to be re-examined. I express my gratitude to you for having kindly given me this opportunity.

Shri Mulchand Dube (Farrukhabad Distt.—North): As far as I have been able to study the Bill, it appears to me that an attempt has been made to accommodate all sorts of opinions among the Hindus: That seems to be the underlying idea of the Bill. In

some places, adoption of daughters is permitted; in some other parts of the country, adoption of daughters is not permitted. Therefore, adoption of a daughter, if it is provided for in the Bill, is not compulsory in those parts of the country where adoption of daughters is not permitted. In other parts where it is in vogue, there is no difficulty. Hence the criticism on that basis that a daughter is not permitted to do so is, I submit, not justifiable.

Then there is another aspect to the question. There are a class of persons in India who are Hindus and claim to be Hindus, but who do not believe in the spiritual benefit that is to be conferred by adoption. That also has, in a way, been provided for, because those persons who do not believe in the adoption of spiritual benefits need not adopt in that manner at all. The performance of the *datta homam* is not absolutely necessary according to the interpretation that has been put upon the original text by our High Courts. The Bill also provides for a similar thing, namely, the *datta homam* is not absolutely necessary for adoption. A person may or may not perform it.

I have just listened to the speech of my hon. friend, Shri Tek Chand. So far as the adoption of daughters is concerned, I agree with my hon. friend that if a girl of 15 years of age is adopted by a man of, say, 36, the sex effects may be very great and if the two are thrown together, there is a chance and likelihood of their going wrong.

There is another aspect also. If the daughter is adopted and if it is said that at that time her ties with her natural family are absolutely severed, there is another difficulty. After marriage, she will go to another family altogether and her ties with the adopting father and mother would also, to a very great extent, be severed. Therefore, adoption of a daughter does not at all seem to be desirable except in places where it is common or where it is recognised or where people seem to think that the adoption of a daughter is necessary. But

then the law that we are making is for the whole country. Therefore, according to the customs prevalent in certain parts of the country where the adoption of a daughter is permitted, difficulty might be created which, to a certain extent, may be insurmountable.

Then there is another provision, and that is about the consent of both the husband and wife before adoption can take place. In regard to this, my submission, as has been pointed out by some hon. Members who spoke before me, is that if there is judicial separation between husband and wife, —although it may not be followed by divorce— to insist upon the consent of the wife also at the time of adoption by the husband, might create difficulty; and if a person is a believer in the doctrine of spiritual benefit, that man might also be deprived of that spiritual benefit.

There is another point and that is about the giving of the child in adoption. I entirely agree with my hon. friend, Shri Tek Chand that this right should not be given to the guardian or any other person; it should not be given even to the wife. The right should be given only to the father because, after the father's death, if he was a believer in the doctrine of spiritual benefit, he is the person who is going to be deprived of that benefit by being deprived of the oblations and *pindas* that he was entitled to receive from his son. Therefore, to give this right to the guardian, I think, would go against the law. It should be left to the father alone whether he will deprive himself of that right or not. If he is not a believer in spiritual benefit, the matter is quite different. Or, if he has more sons, then also, the matter is different; he may give one son in adoption. But if he is the only son left, then, to leave it to the guardian would be depriving that person of the spiritual benefit to which he was entitled by his having a son.

The hon. Minister has failed to mention whether an only son can be adopted or not because under the law

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as it is at present, an only son cannot be given or taken in adoption. He has not mentioned about it.

There is another aspect as regards the adoption of a boy. (*Interruption*). The Minister has not provided as to the right of inheritance of the boy who is adopted. For instance, as the law as it is administered at present is, it is provided that an adopted son does not succeed collaterally; he only succeeds to the adoptive father, the adoptive grandfather and his lineal ascendants. The hon. Minister has not said anything about this as to whether he would be entitled or not entitled to collateral succession. The provision in the Bill definitely says that he will be just like a son. If by that it is intended to include collateral succession also it is quite different. But, the law, as it is administered at present, provides that although he will be just like a natural son to the adoptive father, still he will not have collateral succession.

Then, another point.....

Mr. Deputy-Speaker: Perhaps, that has been exhausted.

Shri Mulchand Dube: One minute, Sir.

Another objection that was raised by my hon. friend was about the divesting of the property of a minor son in the event of his being given in adoption by the guardian and not by the natural father. In regard to this, my submission is that there is certainly a provision in the Bill that if any property is vested in him, the adopted child will not be divested of that property by the mere fact of adoption. That objection is, to a certain extent, met. Then, there was a further objection and that was that he might be deprived of some expectancy. That is rather a remote contingency and I do not think it calls for much comment. If provision is made that the boy is not to be deprived of the estate that has vested in him merely

by the fact of his adoption—even though he goes into another family—that, I think, is sufficient protection so far as the boy is concerned.

An objection was made by one of the hon. Members that with regard to maintenance, charge is not provided on the property. It is provided that the maintenance will not be a charge on the property unless and until it is declared by a court of law. That is the law at present. Therefore, so far as that aspect of the question is concerned, the provision in the Bill is quite satisfactory and does not call for any criticism.

Shrimati Jayashri (Bombay—Suburban): Mr. Deputy-Speaker, Sir, I am thankful to you for giving me this opportunity to speak.

Mr. Deputy-Speaker: But only ten minutes.

Shrimati Jayashri: I heartily congratulate the hon. Minister for bringing in this legislation and fulfilling the assurance that he gave me last May when I had brought in a similar Adoption Bill. I am glad to say that he has incorporated many of the provisions which I had in mind.

Many of the hon. Members have taken a different point of view when they said that they view this adoption law from the religious point of view or the secular point of view. But, I view it from a humanitarian point of view. I lay stress on love. The adoption law should rest on the plank of love and then only can we give benefit to society. We at present know the immense harassment given to women and widows and how the children also suffer due to faulty adoption laws. There is no gainsaying the fact that a change is necessary in our adoption law.

My Bill also envisaged that we should have a right to adopt orphan children. It is an anomalous position that children who are in need of pa-

rental love should be left in the lurch. We want our law to protect these children and to care for these children. For that, there cannot be any better institution than a mother's love. I am glad that we are going to incorporate in this Bill a provision for the adoption of those neglected children who are greatly in need of such love. I again take this opportunity to quote a passage from *Statesman* of May, 4, 1955. It says:

"Six years ago, a new-born baby was found in a dustbin in New Delhi. A pretty baby, a little girl, but only barely alive. She was rushed off to a hospital, willing nurses first cleaned her of the filth from the dustbin and then she was given expert medical attention. The baby lived and was later quietly adopted by a well-to-do couple who had no children of their own."

Similarly, when I had brought this Adoption Bill last May, I received a letter from Brig. Bal wherein he said:

"I have come to understand that you have introduced a Bill in the Indian Parliament to codify and improve the existing law of adoption amongst Hindus. The present law does not permit the adoption of female children on religious grounds. Only the male children are accepted for adoption. I had adopted a daughter four years ago at her birth and have brought her up but I have not been able to get her accepted as my daughter. This is rather hard and heart-breaking."

I am glad that the Minister has accepted this principle so that the girls will also be taken in for adoption. The hon. Minister has explained that now that we have made changes in our Succession Laws also, it is necessary that we make this provision. If they want to give their property to a girl whom they may adopt, we should not stand in the way and prevent them

by law from exercising this right. I agree that there should be some proper investigation before giving a child in adoption. The hon. Members opposed the idea of adoption of girls. There may be some mischief by men adopting a girl. But, here I expect that our courts will take proper care and investigate into the circumstances before the girls are given in adoption.

I am glad that we have incorporated one clause from the British Law that there should be difference of 21 years between a male and the female child to be adopted or between the female and the male child to be adopted. At present, some hon. Members said, that a girl of 15 was entitled to adopt according to the present law, a man of 50 years. There is this great disparity. It is very necessary that we should see that there is this difference in age. In the U.K. law, it is provided that the adoption order shall not be made in respect of an infant who is a female in favour of a sole applicant who is a male unless the court is satisfied that there are special circumstances which justify, as an exceptional measure, the making of an adoption order. We also expect that the courts will investigate before the girl is given in adoption.

As I said, love should be the main idea for taking a child in adoption. It is very necessary that the wife's consent should be there. After all the child is coming into the family and the mother should feel the love for the child. It is very essential that the wife's consent should be there. All these years, I am sorry to say that the wife had no voice in the adoption laws and I am glad that we have removed this lacuna and given the right to women also to have a say in this matter. We have heard from Pandit Thakur Das Bhargava that these adoption laws cannot be changed by this Parliament. I am rather surprised at this. Shri Nand Lal Sharma also has said that these are shastriya laws and it is not proper for us to change them. I would ask them this question. Here, the hon. Members are elected by the

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people. Have they no right to make laws. The Parliament is the present maker of laws; these are shastriya laws. It can improve on the laws which have already been made. Our Hindu Law is dynamic; it is not static. It is progressive. We want that our laws also should be progressive.

One word about the maintenance. Shri Tek Chand and Shri Nand Lal Sharma have also said this. Here it says that a Hindu wife shall be entitled to live separately from her husband without forfeiting her claim to maintenance.....Then so many grounds are given. If he had only said that she is entitled to this on the grounds given in the Hindu Marriage Act, then it would have been better. Here, he again says: "if there is any other cause justifying her living separately." This is rather too broad.

I would like to draw the attention of the hon. Members to the maintenance question. It is about the maintenance of the widowed daughter-in-law. We get letters from women who are suffering because of the present Hindu Law. If the father-in-law does not want to bequeath any property to the daughter-in-law, he wills it away in the name of his own wife and the surviving children and the widowed daughter-in-law is left in the lurch. I hope that proper provisions will be made in this Bill to see that there is some maintenance for such people. Sir, I support this Bill.

Pandit K. C. Sharma: At the fag end of the day, I have this opportunity and I am grateful therefor. My view about this law is this. It was the peculiarity of the Hindu system. I do not find the provision for adoption in any other system of law in the sense in which it is found here. By this procedure, a child born in some family is taken in a family and is regarded, through the co-operation of the law, as a son or daughter born to the adopting parents. The fundamental point about it was this. According to the

religious scriptures of the Hindus, a sonless father would not get into the heavens. My objection to the provision of adoption at all is this. It does not matter whether it is a girl or a boy. It is more or less an archaic conception. It pre-supposes two things: there is a heaven, a world beyond this world, much more interesting, where it is all joy and everything good. Therefore, it was necessary that one should go there. It pre-supposes a longing in contra-distinction to the dis-satisfaction and discontent and lack of joy in this world. The result of this psychology was that the people were sloth, idle and disinclined to do their jobs well and to build the world so that there might be more joy and more convenience, so that there may be better living in the world in which they are born and from which they have to pass off. My contention is that the world of Gods, the world of joy and the world where everything was good and happy, has gone for ever. To put it in a great writer's words, "The Kingdom of God is dead and our Kingdom is prison". Therefore, if the present conception is that the man is destined to build anew, that he has the capacity to build a new world and to make a better world, this conception of Hindu law does not hold good.

The second point is, it being unnecessary, then, it is useless to put it in a way which the original idea does not allow. The original idea of Hindu adoption was that the father would adopt the child because he leaves his son behind him to perform the religious duties so that he may go to Heaven. The second conception was that his continuance of the thread of his race, so far as his part of the duty was concerned, was safe and sure.

Now, this idea of continuance of the thread of race does not hold good, because the idea of race itself has been exploded. There is nobody who thinks now as "I belong to this race, this community of that class or this family" and so on. People think that man is man and he has to find his way

out as a man. He has to build the destiny of the man and not the destiny of a family, race or caste. These are exploded conceptions. They do not hold good now. Therefore, my objection to this adoption law is this. In all newly-built communities, there is a tendency, just in a shaking or transitory way, to hide things or fear the consequences. You look to the future, yet, you fear the consequences of building that future. The building of the future is irksome. Therefore, one looks back and becomes archaic in thought which is irksome, and this archaism is manifested in many ways.

Take, for instance, language. Suppose we take two big words from Sanskrit; but we fear to take up because we are afraid of them. And also, we fear to take up the easy words that are spoken in the villages. What is this? There is also the fear to go and mix with the common man and take repose in the old. If you analyse this phenomenon, it comes to the same thing. The child is going to the school, along the street. A bear dances and the child fears it and he goes into the lap of the mother. This mother is archaic and has the conception of the old scriptures. But they do not fit in with the society, with the community, with the phenomenon and the conditions of the socialistic picture that is going to build for us a new world. Therefore, so far as the psychology and the psychological bearing of this law is concerned, it will act, so far as it can, as an impediment to the progress of the community. It will stand in the way of building a new world. This is my objection.

I have another objection on the legalistic principle. This conception of having born and having found a place to live and following the principles of religious duties and continuance of the race does not fit in with the modern conception of society or the modern conception of law.

Then, I come to the utility point. My hon. friend, the Lady Member, says it is based on love, affection and attachment. Of course, these are

human sentiments and they are good qualities. After all, the society is based on them. But, why should you not take to the modern scientific way of doing things? You pick up a child from a hospital, make a will in his favour and regard him as your son. Why should you have this sort of old conception? Why should you not say good-bye to it? If it remains, let it remain. Do not take notice of it. There would be old people and reactionary people. Do not take notice of those who drive you back from your progress. This class of people will always remain; they are in the society; they are represented in the international field also. Let them have their own old routine way of doing things; why give it a shade? The modern structure of society and the vision of the future do not permit it to remain any longer. It is useless; it is petrifying it has no meaning whatsoever. Therefore, I beg to say that it does not fit in with the modern conception of law. It has no utility. If you want to adopt, you can take a child and make a will in this favour. There is no necessity for this sort of old laws.

The old conception was that continuance of the race was the duty of the father and mother was attached to the father. Now, the mother also is a consenting party. Under no system of law, the mother is responsible for the continuance of the race. It is always the male that gives the child and not the female. The female is a passive partner. Therefore, even biologically it is unacceptable. Make a law on some scientific basis. This law has no science behind it.

When you want to adopt a son, you can do it in any form. Forms do not matter now; you should look only into the substance. I have seen many cases, myself; nobody bothers to put the child on the lap of the father and the father saying, "He is my child" and so on. Nobody takes the child and gives it to the man who adopts. Nobody bothers about it; no judge bothers about it, because judges are sensible people. These formalities have no meaning. I do not bother

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about a male being adopted or a female being adopted. My objection is that it is unnecessary and unscientific. Even from the old view-point, it has no meaning. From the new scientific view-point, it is useless.

About maintenance, I will say one word. The hon. Minister has put in the words "for any other cause". I would like him to explain what he means by "any other cause". Again, there is one little objection to the words "desertion by the husband" in clause 18. I would particularly like desertion to be defined, because it is too vague and unspecific. It is much better in matters like this that specific provision is made so that there may not be any difficulty in the way of a poor woman claiming maintenance.

Shri Raghavachari (Penukonda): Sir, I rise to express what I feel about this Bill. I very much wish I could have wholeheartedly congratulated the Minister, but I am sorry I could not do it.

My support is qualified because I want to take a very realistic and disinterested view which the Minister calls for. It is true that we have passed the Hindu Succession Act. Certain rights and responsibilities have been created by that law. The law of adoption and other sections of the Hindu Law must certainly conform to the rights and responsibilities created there. Still to support this Bill, going back to the old texts, as the Minister attempted at one stage to do, by quoting even *Ramayana*, does not seem to be the proper way of looking at the question. You cannot take a piece of *Shashtra* and quote it because it suits you. You cannot disregard many other texts which are certainly opposed to it. The better thing would be to take a realistic view of things as the society stands today. If you want to take a secular view or a realistic view, then, the Minister is well come to do that. The whole theory of adoption or the fiction of having children is based more upon religious beliefs as also on the secular urges, that is, the

affection of the people. No person, may be a man or a woman, or both of them, would feel happy unless they have something on which they can centre all their affection. That is the foundation of the two coming together. The father who believes in the *Shastras* may think that he has a future assured because the son will give him *pinda* and the mother also may think the same way. That belief is also the foundation of this fiction. For the Minister to take a realistic view of things, or a disinterested view of society as it is, and frame a law of adoption and then say, I am not affecting your religious sentiments, is not correct. If you wish to follow the religious belief, it is not said that a daughter could be adopted, because she cannot give *pinda*. Does it not also appear clear to us that many a man adopts a daughter or brings up a foster child and he gives all his affection to it? It may not have been taken in adoption at all; but still it gives satisfaction. If you wish to take that view, let us not say, I have the basis of the *Shastras* to this Bill. I am at one with the Minister that we should take a realistic view and satisfy the human nature to fondle and shower all their affections. That urge should be satisfied. Therefore, his argument that religious-minded people also are not affected; that he is not compelling them to forego anything, to my mind looks not to be perfectly correct; because the religious view was that a man will take a son in adoption to give him *pinda* and save him from this or that *naraka*, as our friend stated quoting the *shastras*, why the word *putra* is used. So, you quote this *shastra* for *putra*; when the word *putri* is also used may I ask whether she also saves him from this or that *naraka*. One might put that question, it is not frivolous. Nevertheless, as I said, human nature would not be satisfied unless it has some one on whom to bestow its affection. So, let us grant it.

The old law was that there was some difference between the status of a man and a woman, and it was the man who could adopt or authorise

his wife to adopt, or if there were more than one wife authorise a particular wife to adopt. All that was his right, and now you want equal rights. Have you preserved that? I read the speech of the Law Minister in the other House. He was at pains to say that he has not affected this right of the man at all, that it is still open to him to take a child in adoption as he wants if he has belief in the *shastras*. But I would ask this question. You have now provided that a minor cannot adopt. Is he a Hindu, is he not? Can he not have faith and belief in the *shastras*. Supposing he has to die before majority. According to the new Law he cannot adopt because he is a minor. You have deprived Hindus up to 18 years of the right of adoption. Have you not thereby affected their right of adoption according to their belief, and why do you say that you have not prevented anybody? To my mind it seems, there is that difficulty.

Then again, supposing a man has attained majority, and he is married. He has no children. He has taken more than one wife, all in the hope that he will have a child, and still he has failed to have that consolation. Then he wants to adopt. What is it that you have now provided? He must obtain the consent of his wife or wives. I perfectly agree that any adoption taken by one partner without the consent of the other partner may be unhappy. In most cases it is a most desirable condition. But supposing the wife says she does not consent, can he adopt? He cannot under your law. In the modern conditions it might be that the woman he has taken as his wife may not share his belief. She may say: "If you die, the property will come to me. Why are you bothered about the child? I will not give you my consent." What is to happen? Have you not in these circumstances denied the right of adoption to a Hindu with the old belief. I am only pointing out that the tall claim that the minister has not affected the rights and the exercise of the rights of people of old religious belief by this law is not correct.

You have provided that this is a secular law. Human nature wants a child to be adopted. I have no objection. But you have under the Succession Act created rights in property to women and men in equal shares, and now I cannot understand the restrictions placed upon an adopting person or the circumstances under which alone adoption can take place. For instance you have said that when a man has got a son or a son's son or son's son's son, he cannot adopt. Many friends have already pointed out that the property can be disposed of by the adopting father. So, he can adopt a son to leave him nothing. That is the law that you have provided. Therefore, when he can dispose of his property as he pleases and can still adopt, what is the meaning of your placing a restraint on him stating that if he has a son he cannot adopt another son. If he has a son, he can adopt a daughter but not another son.

Pandit Thakur Das Bhargava: If he has got a son, still he can adopt a daughter.

Shri Raghavachari: He can certainly adopt a daughter. To that extent, I am not bothered. Why should a man with a son be permitted to adopt a daughter? Let him have another child. Parents can have more than one child, daughters and sons, and they can love everyone of them, and provide also for everyone of them.

To my mind, the existence of a son or son's son or son's son's son or a daughter or any other circumstance must not stand in the way of an individual exercising his rights to adopt, he must be free to do so. But you have not stuck to it throughout. You say that if a father has got a son, he cannot adopt. Suppose I have a very wicked son, or a son who is a most undesirable fellow, why should I not adopt?

Mr. Deputy-Speaker: God forbid.

Shri Pataskar: That will be a deterrent to adopting another son.

Shri Raghavachari: For my part, I have been blessed with good children. Supposing a parent has got a very bad son, yet he is prohibited to adopt another son.

Shri Pataskar: He does it at his own risk.

Shri Raghavachari: What is the risk here? What I am objecting to is this. When the property can be dealt with by a man as he pleases, why are you bothered about it he has already a son, are you bothered that the property must be safeguarded for that son? Otherwise why do you prevent that man from adopting another son?

Suppose you prevent me from adopting another son, because I have a son, desirable or undesirable; I can certainly disinherit my son, and there will be nothing left for him. So, what is the purpose you have in view when you say that if I have a son living, I must not adopt another? Is it because I have some person on whom I can place my affection? If so then, why should I be permitted to adopt a daughter? That argument will cut it. Thus, there is absolutely no consistency in these provisions.

Shri Nand Lal Sharma: All hotch-potch.

Shri Raghavachari: On the whole, it appears to me, more or less to be so. The Minister or those in authority must have thought 'We shall do like this, we shall give equal rights, and by so doing we shall go down in posterity as people who have made this law'. It is probably this feeling of vanity or this feeling of having started something revolutionary that is at the back of their mind.

So far as the Hindu Succession Bill was concerned, we had one whole week for it, but when it comes to this Bill we find that the whole thing must be over in five hours, because the elections are coming, the House is going out, and they want to have some credit that they have passed the law. Is that the way of making a

law? Is that the way of making a hotch-potch of a branch of Hindu law which has stood well the test of ages? Some hon. friends were pointing out the absence of some Select Committee consisting of lawyers, non-lawyers and so on. I am not concerned with that, but what I am objecting to is the hurry with which the whole thing is being done. There is no scientific basis behind it, and that is why all this criticism has come about.

I also feel that there is no use in wasting our lungs over this matter in urging many points as other hon. friends have so laboriously and with considerable care and attention pointed out, regarding the absurdities between one section and the other.

For instance, it is provided that the consent of the wife is necessary before adoption can be made by the father. If there are more wives than one, then the consent of all the wives is necessary. But, according to the same law, the seniormost wife is the mother, and all the other wives become step-mothers; yet these step-mothers' consent must be taken?

Shrimati Sushma Sen: But there should not be more than one wife.

Shri Raghavachari: Let us look at the situation as it is. There are any number of people who have more than one wife. What I am concerned with is this. Why do you insist that the consent of all the wives is necessary, when all but one of them are going to be step-mothers? That looks rather strange to me. I cannot understand it. Again, it looks to me that one portion of the Bill is absolutely inconsistent with another.

I only feel that even taking a most realistic view, they should have permitted every man to adopt a daughter or a son or any number of children as one pleases.

There is one other thing mentioned. It is said under clause 13 'except when there has been some agreement to the contrary'. I am unable

to understand the scope of this. What is the contract? Can there be a contract restraining powers of alienation? Such a contract cannot be possible. The high ideal kept before the Minister of Legal Affairs or Government that litigation will be avoided by this Law is, I am afraid, not going to be realised. In fact, more litigation may be created by this Law. I am a lawyer; I belong to that tribe. They may prosper.

Mr. Deputy-Speaker: It is not a hill tribe, but an urban tribe.

Shri Raghavachari: Therefore, litigation will not be reduced. On the contrary, I am afraid that more litigation will result. Also more unhappiness might result, because it is not the purpose that you keep before yourself that will determine it, but how the society applies the provisions of the Act and works it that matters. These provisions are sure to create confusion.

So far as maintenance law is concerned, generally it seems to be all right. In fact, clause after clause is a summary of the existing law. But many people who go back to the *shastras* simply depend upon the *shastras* and do not depend on the law as it is being enforced in the country.

I have not got much to say against the set-up of the maintenance law except to mention that there also vague words are used which might lead to a lot of litigation of unhappy results. So long as there is a restriction or an inconvenience that compels them to adjust to each other and then live together, it is all right. But if you provide them with more facilities to go away and separate, any little cause of irritation might result in separation, separate residence, separate maintenance and so on. This way leads to confusion.

It is also said that the daughters also need not have been compelled to provide for the maintenance of the parents. Legally, the difficulty is

whether she will be in a position to immediately provide for the parents. She need be compelled to do it. An affectionate daughter always provides for parents who are in need. She will even go and beg her husband to provide something for them. Human nature and human relations go far beyond your law. But the thing is that you have used oftentimes, even in the present maintenance provision, language which, I am afraid, will lead to more litigation, more unhappiness, more separation and more confusion.

Even in regard to these separate residences and maintenance cases, I wish there was some kind of a provision for arbitration, in the first instance. After all it will be unpleasant for the courts to decide all these things. So these may be adjusted *in camera*. It might be asked, what prevents arbitration? I would say that it is better to have some provision as we have done in the case of the marriage and divorce laws and other places. In the first instance, the court will try to adjust matters amicably by arbitration with the aid of some gentleman. This arrangement will certainly work for smoothness in society.

Therefore, though the law is appealing from the secular aspect, really the religious aspect of it is not only neglected but, I feel, even thwarted. Let us not make that tall claim that this is a law that we have conceived which will be successful all through. I am sure a time will come when amendment after amendment will have to be brought if this law is to work; otherwise, it would not work.

Shrimati Renu Chakravarty (Bashi-hat): Mr. Deputy-Speaker, Sir, I just want to say a few words about this Bill. I think the most important part is the maintenance part of this Bill because that will really affect the vast masses of women who might be unfortunate to fall under clause 18 (2) or for certain reasons may not be able to stay with the husband or the husband's family and, therefore the question of maintenance comes up. There are also those women who

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will be left helpless because she may be a widow or she may be any other member of the family without economic independence. She will have to depend on the maintenance which may be granted to her.

I think this maintenance is very essential and is correlated to the other parts of the Hindu Code Bills which we have passed one after the other. I do not claim that this Bill is a perfect one. It is true also that this Maintenance and Adoption Bill has been in one form or another before the country for many years. I feel happy that this clause 18(2) has been added. The reason for it is this. Even when we passed the Hindu Marriage Bill, and prior to that the Special Marriage Bill we had always stated that although we recognise the need for divorce, we are not happy about it and it is a situation in which we would not like any woman to be put and therefore we would like that there should be some effort at reconciliation up to the last minute. In that way, I agree with Shri Raghavachari when he says that there should be efforts at reconciliation. As far as I remember, there was some such clause also put into the Hindu Marriage Bill. Either by rules or by some other method that may be added. But I do feel that often our women do not want to go in for divorce. Even when they find it absolutely unbearable to live with the husband, they want to live separately. The question of children comes up, the question of social ostracism comes up and our own feelings about it come up and we do not want to go in for divorce. Therefore, this question is again linked up with the question of how she will maintain herself. There is alimony when you go in for divorce but if you do not go in for divorce then there is no other way. Therefore, I personally welcome this clause 18(2).

I have not been able to follow why it should be so much criticised. Those very friends of ours here who were very much against divorce and rightly too pointed out the evil eff-

ects of that for the children and the family are so much against the giving of maintenance when the wife lives separately from the husband. 'If there is any other cause justifying her living separately,' that point has come in for criticism. I would like the hon. Minister to explain that.

Then, I personally feel that the word 'unchaste' should not be there. I have said at every point of time that this word should not be there and it should be provided by some other word or by some other clause which can very definitely point out exactly what is meant. The word 'unchaste' is one which can be used in a flippant manner. In our society it is a thing which is used if any woman lives alone, away from her husband. I do not like this word 'unchaste'.

I am glad about clause 17.

The hon. Minister said that under the Hindu law as it stands the father-in-law is not liable to maintain the daughter-in-law. I do not know very much of law. My idea was that it did say that he is liable but he says it did not. If that is so, this is very important. As a matter of fact, I wanted to know why 19 (2) is like this:

"Any obligation under subsection (1) shall not be enforceable if the father-in-law has not the means to do so from any coparcenary property in his possession out of which the daughter-in-law has not obtained a share, and any such obligation shall cease on the remarriage of the daughter-in-law."

Why I raise this question is that when we go to the countryside—especially in my constituency—we see a large number of widows. Those widows are absolutely left homeless and certainly propertyless, with no means of subsistence, not even a man to look after her or give her a shelter. Among the peasantry at least, the normal practice is that the daughter-in-law stays within

the family. Unless the father-in-law inherits so much of the coparcenary property that he will be capable of maintaining her daughter-in-law, he will not help the daughter-in-law. That is a thing which I personally cannot support.

Regarding the question of maintenance of aged parents, I could not quite follow what my hon. friend, Pandit Bhargava said. He has said that in Punjab it was almost below the prestige of a family if the daughter maintained the parents. It has been so that daughter had never had the ability to earn or look after the parents. That is quite true. But at least as far as our parts go, we do see that there are many families which are being maintained on the earnings of the daughter. We may or may not like it; that is another matter. The fact remains. She is the earning member. When we ask for equality, it is only right that, where we are capable of looking after our parents, if the brothers have no employment,—that is the case with hundred of middle-class families—we should take upon ourselves the onus of looking after our parents. That, I think, is a new conception which is evolving as women are entering into the new fields.

Pandit Thakur Das Bhargava: In that case, the daughter's son should also be regarded as a dependent.

Shrimati Renu Chakravarty: That is quite true. With these few words on maintenance, I welcome this part.

Then, regarding adoption, of course, I do not know scriptures nor am I going into the whole question of its conception. At one time people used to talk of taking only sons. But, I do know of many cases personally, where daughters have come to be adopted by the husband and the wife. There are such cases. They say: "What are we to do? We cannot give her the legal rights over our property unless we will it." They can will it. Then, why have this fiction of adoption? There is no such in-

tricate adoption law as we have in the Hindu Law. Or, there is no institution as the joint family or the coparcenary idea of property. Because we still have this joint family, certain legal abilities are given for the adoption of daughters and sons. That is why, I want to welcome this Bill. It does give the right to adopt daughters.

Why do we adopt sons or daughters? It is the desire of people who have no children. Some times it is the desire of people who have already sons or daughters and yet they want to adopt some children. Personally, I would have no objection to give the right of adoption even to those who have children. Then, there is this question again. May be, certain people want to circumvent and deny to give the rightful share to a son or a daughter whom they may dislike. Especially, there may be the cases of step-children, etc. All these points may come up. That is why I think these restrictions had been made. Personally, I would have no objection to give them the right of adoption.

One small point and I have done. I do not want to answer the many points raised by Shri Nand Lal Sharma. Obviously, he and I differ so fundamentally that there is no point in answering him.

But this question has been raised by Shrimati Jayashri, namely, that a 15-year old daughter should not be adopted because there may be chances that a 36-year old man may, for certain other ignoble reasons, adopt her. I feel that there may be only a couple of people who may have very bad reasons for doing so. If such bad reasons are there, there should be similar bad reasons even for adopting a son. So, I think that it is not right to raise such questions especially in the principle of adoption. After all, it is a very small number of people who come in for adoption, and in that sphere, I think it is best that we depend on the natural ties of affection and on the good sense of

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the people. So, we should allow up to the age of 15 the right of the husband or wife to adopt a son or daughter if they so desire.

I welcome this Bill. I feel that this is the first time that the daughters are allowed to be adopted and it is only right that it should be so. With these words, I close.

Mr. Deputy-Speaker: There are about five or six hon. Members who are anxious to speak. We had fixed six hours and a demand was made that the time may be extended. I would like to know the pleasure of the House as to whether the time should be extended.

Some Hon. Members: Yes, yes.

Shrimati Renu Chakravartty: Have we finished six hours?

Mr. Deputy-Speaker: We have taken about four hours so far. Then we have to take up the clause-by-clause stage also.

Shrimati Renu Chakravartty: There are not many amendments.

Mr. Deputy-Speaker: There are some amendments. There are four or five Members who are anxious to speak. Is it the desire of the House that they should be accommodated tomorrow?

Shri V. P. Nayar: (Chirayiukil): There must be chances for swansongs.

Pandit Thakur Das Bhargava: The time originally allotted may be restored.

Mr. Deputy-Speaker: Originally, was ten hours. That will be too much. Subsequently, we reduced it to six hours. So far as I can think, an hour's extension would be sufficient.

Shri G. H. Deshpande (Nasik Central): Two hours at least.

Mr. Deputy-Speaker: It, in the meanwhile, new speakers come up, we may not be able to accommodate all of them.

Shrimati Sushama Sen: How long will the Minister take for his reply?

Shri Patakar: I think we should not extend it beyond an hour.

Mr. Deputy-Speaker: We will try to accommodate four or five Members. An hour more will be given to them, and then the hon. Minister will reply.

BUSINESS ADVISORY COMMITTEE

FORTY-SIXTH REPORT

Pandit Thakur Das Bhargava (Gurgaon): Sir, I beg to present the Forty-sixth Report of the Business Advisory Committee.

18-03 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, the 14th December, 1956.

[Thursday, 13th December, 1956]

COLUMNS.

COLUMNS

PAPER SLAID ON THE TABLE 2799-2801

The following papers were laid on the Table :

- (1) A copy of the Interim Report of the Second Finance Commission together with an explanatory memorandum showing the action taken thereon under Article 281 of the Constitution.
- (2) A copy of each of the following Notifications, together with an explanatory note, issued under the Coffee Market Expansion Act, 1942 :
 - (i) S.R.O. No. 1668, dated the 13th August, 1955.
 - (ii) S.R.O. No. 1669, dated the 13th August, 1955.
- (3) A copy of S.R.O. No. 2465, dated the 27th October, 1956, under sub-section (7) of Section 59 of the Mines Act, 1952, making certain amendments to the Coal Mines Pithead Bath Rules, 1946.
- (4) A copy of the S.R.O. No. 2778, dated the 24th November, 1956, making certain amendments to the Coal Mines Labour Welfare Fund Rules, 1949.
- (5) A copy of each of the following papers, under sub-section (2) of section 16 of the Tariff Commission Act, 1951 :
 - (i) Report (1955) of the Tariff Commission on the grant of protection and/or assistance to the Isonicotinic Acid Hydrazide (Isoniazid) (INH) Industry.
 - (ii) Government Resolution No. 2(2)/TB/55 dated the 8th December, 1956.

- (iii) Statement under proviso to section 16(2) of the Tariff Commission Act, 1951, explaining the reasons why the documents referred to at (1) and (2) above could not be laid within the period prescribed under the said section.

MOTIONS RE MODIFICATION OF LIFE INSURANCE CORPORATION RULES

2802-51,
2864-67

Five motions re modification of the Life Insurance Corporation Rules were moved by Shri S. C. Samanta and Shri Sadhan Gupta. After discussion the motion moved by Shri S. C. Samanta was withdrawn by leave of the House. Of the four motions moved by Shri Sadhan Gupta three were negatived and one was withdrawn by leave of the House.

BILL UNDER CONSIDERATION

2851-64,

The Minister of Legal Affairs and Civil Aviation (Shri Pataskar) moved that the Hindu Adoptions and Maintenance Bill, as passed by Rajya Sabha, be taken into consideration. The discussion was not concluded.

REPORT OF BUSINESS ADVISORY COMMITTEE PRESENTED

2946

Forty-sixth Report was presented.

AGENDA FOR FRIDAY, 14TH DECEMBER, 1956—

Further consideration and passing of Hindu Adoptions and Maintenance Bill, as passed by Rajya Sabha, and Private Members' Resolutions.